



**NOTICE OF REGULAR MEETING AGENDA  
LANCASTER CITY COUNCIL  
MUNICIPAL CENTER CITY COUNCIL CHAMBERS  
211 N. HENRY STREET, LANCASTER, TEXAS**

**Monday, October 26, 2020 - 7:00 PM**



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**While the Mayor may be physically present at City Hall, the other Councilmembers will attend via video or audio link due to the COVID-19 emergency situation.**

**IMPORTANT NOTICE: Due to the COVID-19 (coronavirus) state of emergency and consistent with the Governor's Order regarding modifications to the Texas Open Meetings Act ("TOMA"), and executive orders regarding the public will not be admitted to the physical meeting location.**

**Please click the link below for forms:**

<https://www.lancaster-tx.com/1413/Notice-Regarding-Public-Participation>

**Please click the link below to join the webinar:**

<https://us02web.zoom.us/join/register/tZAtfuGuqTkvtN9blOeb3nMFmpMuAXXHg2m>

**The meeting will be broadcast live via video at the following address:**

<http://www.lancaster-tx.com/324/Watch-Meetings>

**7:00 P.M. REGULAR MEETING:**

**CALL TO ORDER**

**INVOCATION:** Ministerial Alliance

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Hill

**PROCLAMATION:** Breast Cancer Awareness Month, Fire Prevention Week, Domestic Violence Awareness Month, Small Business Saturday

**CITIZENS' COMMENTS:**

At this time citizens who have pre-registered before the call to order will be allowed to speak on any matter other than personnel matters or matters under litigation, for a length of time not to exceed three minutes. No Council action or discussion may take place on a matter until such matter has been placed on an agenda and posted in accordance with law.

**CONSENT AGENDA:**

Items listed under the consent agenda are considered routine and are generally enacted in one motion. The exception to this rule is that a Council Member may request one or more items to be removed from the consent agenda for separate discussion and action.

1. Consider approval of minutes from the Special Meeting held on September 21, 2020.
2. Consider a resolution ratifying the terms and conditions of an Interlocal Agreement with the City of Cedar Hill for services related to training and education for the Lancaster Fire Department.
3. Consider a resolution ratifying an amendment to the Performance Agreement with Dallas College, (formerly known as Cedar Valley College (CVC)) authorizing one hundred fifty thousand dollars (\$150,000) from the Lancaster Economic Development Corporation (LEDC).

**PUBLIC HEARING:**

4. Z20-07 Conduct a public hearing and consider an ordinance for a revised Planned Development Site Plan for Planned Development Ordinance No. 26-88 (PD-26-88) on the property addressed as 800 North I-35E. The property is described as Lot 2, Block 1, Oak Creek Homes Addition situated in the Valentine Wampler Survey, Abstract No. 1546, City of Lancaster, Dallas County, Texas.

On October 20, 2020, the applicant submitted a letter to the City requesting withdrawal of consideration to expand the boundary of the PD for outdoor storage.

**EXECUTIVE SESSION:**

5. The City Council shall convene into closed executive session pursuant to:
  - a. Section § 551.074 (a)(1) of the Texas Government Code to deliberate the appointment, employment, evaluation duties or dismissal of a public officer, to wit: the City Manager.
  - b. Section § 551.074 (a)(1) of the Texas Government Code to deliberate the appointment, employment, evaluation duties or dismissal of a public officer, to wit: the Municipal Judge.
6. Reconvene into open session. Consider and take appropriate action(s), if any, on closed/executive session matters.

**ADJOURNMENT**

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EXECUTIVE SESSION: The City Council reserve the right to convene into executive session on any posted agenda item pursuant to Section 551.071(2) of the Texas Government Code to seek legal advice concerning such subject.

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ACCESSIBILITY STATEMENT: Meetings of the City Council are held in municipal facilities are wheelchair-accessible. For sign interpretive services, call the City Secretary's office, 972-218-1311, or TDD 1-800-735-2989, at least 72 hours prior to the meeting. Reasonable accommodation will be made

to assist your needs.

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PURSUANT TO SECTION 30.06 PENAL CODE (TRESPASS BY HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.

CONFORME A LA SECCION 30.06 DEL CODIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO CON LICENCIA) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO 411, CODIGO DEL GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO OCULTADA.

PURSUANT TO SECTION 30.07 PENAL CODE (TRESPASS BY HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY.

CONFORME A LA SECCION 30.07 DEL CODIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO AL AIRE LIBRE CON LICENCIA) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO H, CAPITULO 411, CODIGO DE GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO AL AIRE LIBRE.

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#### **Certificate**

**I hereby certify the above Notice of Meeting was posted at the Lancaster City Hall on October 22, 2020 @ 8:00 p.m. and copies thereof were provided to the Mayor, Mayor Pro-Tempore, Deputy Mayor Pro-Tempore and Council members.**



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Sorangel O. Arenas  
City Secretary

## LANCASTER CITY COUNCIL

### City Council Regular Meeting

1.

**Meeting Date:** 10/26/2020

**Policy Statement:** This request supports the City Council 2020-2021 Policy Agenda

**Goal(s):**

- Effective Municipal Operations
- Financially Sound City Government
- Healthy, Safe & Engaged Community
- Sound Infrastructure
- Quality Development
- Professional and Committed City Workforce

**Submitted by:** Sorangel O. Arenas, City Secretary

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#### **Agenda Caption:**

Consider approval of minutes from the Special Meeting held on September 21, 2020.

#### **Background:**

Attached for your review and consideration are minutes from the City Council Special Meeting held on September 21, 2020.

#### **Attachments**

September 21, 2020 Minutes

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## **MINUTES**

### **LANCASTER CITY COUNCIL SPECIAL MEETING OF SEPTEMBER 21, 2020**

**The City Council of the City of Lancaster, Texas, met in a called Special Meeting in the Council Chambers of City Hall on September 21, 2020, at 7:00 p.m. with a quorum present to wit:**

#### **Councilmembers Present (City Hall & Zoom):**

Mayor Clyde C. Hairston  
Carol Strain-Burk  
Stanley Jaglowski  
Deputy Mayor Pro Tem Derrick D. Robinson  
Mayor Pro Tem Racheal Hill  
Nina Morris

#### **Councilmembers Absent**

Marco Mejia

#### **City Staff Present (City Hall & Zoom):**

Opal Mauldin-Jones, City Manager  
Fabrice Kabona, Assistant City Manager  
Carey Neal, Assistant to the City Manager  
Keturah Barnett, ICMA Fellow  
Dori Lee, HR Director  
Cheryl Womble, Administrative & Community Relations Supervisor  
Vicki Coleman, Director of Development Services  
Sam Urbanski, Police Chief  
Ron Gleaves, I.T. Manager  
Shane Shepard, Economic Development Director  
David T. Ritter, City Attorney  
Sorangel O. Arenas, City Secretary

#### **Call To Order:**

Mayor Hairston called the meeting to order at 7:03 p.m. on September 21, 2020.

#### **Public Testimony:**

At this time citizens who have pre-registered before the call to order will be allowed to speak on consent or action item on the agenda, with the exception of public hearings, for a length of time not to exceed three minutes. Anyone desiring to speak on an item scheduled for a public hearing is requested to hold their comments until the public hearing on that item.

There were no speakers.

**Consent Agenda:**

City Secretary Arenas read the consent agenda.

1. **Consider a resolution to authorize the assignment and assumption of an Economic Development Agreement between the City of Lancaster and CH Realty VII/ Dallas Houston School RD, L.P. to Economic Development Agreements between the City of Lancaster and PR I-35 Logistics Crossing Building A, LP and PR I-35 Logistics Crossing Building B, LP.**

Councilmember Strain-Burk pulled item 1 for clarification.

City Manager Mauldin-Jones shared that the developer of the property wishes to assign the Economic Development Agreement to another entity. City Council approval is required for the assignment. The initial development agreement was approved by City Council on September 25, 2017. Crow Holdings built two new industrial building located at 2801 and 2901 North Houston School Road. Each building is approximately 610,000 square feet. Final finish out work is now underway. Staff recommends approval of resolution for the assignment.

**MOTION:** Councilmember Jaglowski made a motion, seconded by Mayor Pro Tem Hill to approve consent items. The vote was cast 6 for, 0 against [absent: Mejia].

2. **Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Beltline Ashmoore Public Improvement District.**

City Manager Mauldin-Jones shared that on September 14, 2020, City Council conducted a public hearing to provide an opportunity for residents to give comments surrounding the proposed assessment rate in which there were no speakers and that staff recommends approval of the proposed five-year service and assessment plan.

**MOTION:** Mayor Pro Tem Hill made a motion, seconded by Councilmember Strain-Burk to approve item 2. The vote was cast 6 for, 0 against [absent: Mejia].

3. **Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Boardwalk Public Improvement District.**

City Manager Mauldin-Jones shared that on September 14, 2020, City Council conducted a public hearing to provide an opportunity for residents to give comments surrounding the proposed assessment rate in which there were no speakers. City Manager Mauldin-Jones shared that staff is available for any questions.

Mayor Hairston stated that Council would move forward with the voting of the following PIDs and reserve staff clarifications should Council have questions.

**MOTION:** Councilmember Jaglowski made a motion, seconded by Councilmember Strain-Burk to approve item 3. The vote was cast 6 for, 0 against [absent: Mejia].

4. **Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Glendover Estates Public Improvement District.**

**MOTION:** Councilmember Jaglowski made a motion, seconded by Mayor Pro Tem Hill to approve item 4. The vote was cast 6 for, 0 against [absent: Mejia].

5. **Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Lancaster Mills Public Improvement District.**

**MOTION:** Councilmember Jaglowski made a motion, seconded by Mayor Pro Tem Hill to approve item 5. The vote was cast 6 for, 0 against [absent: Mejia].

6. **Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Meadowview Public Improvement District.**

**MOTION:** Councilmember Jaglowski made a motion, seconded by Mayor Pro Tem Hill to approve item 6. The vote was cast 6 for, 0 against [absent: Mejia].

7. **Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Millbrook East Public Improvement District.**

**MOTION:** Mayor Pro Tem Hill made a motion, seconded by Councilmember Strain-Burk to approve item 7. The vote was cast 6 for, 0 against [absent: Mejia].

8. **Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Pleasant Run Estates Phase 1-A Public Improvement District.**

**MOTION:** Mayor Pro Tem Hill made a motion, seconded by Councilmember Jaglowski to approve item 8. The vote was cast 6 for, 0 against [absent: Mejia].

9. **Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Rolling Meadows Public Improvement District.**

Councilmember Jaglowski recused himself from item 9.

**MOTION:** Councilmember Strain-Burk made a motion, seconded by Mayor Pro Tem Hill to approve item 9. The vote was cast 5 for, 0 against [absent: Mejia] [recused: Jaglowski].

- 10. Discuss and consider an ordinance making certain findings in connection with the proposed supplemental services ordered in connection with the Tribute at Mills Branch and Tribute East at Mills Branch Public Improvement District.**

**MOTION:** Mayor Pro Tem Hill made a motion, seconded by Councilmember Jaglowski to approve item 10. The vote was cast 6 for, 0 against [absent: Mejia].

- 11. Conduct a public hearing and consider an ordinance approving the proposed FY 2020/2021 budget for the fiscal year beginning October 1, 2020, ending September 30, 2021.**

City Manager Mauldin-Jones shared that State Truth-in-Taxation and the City Charter require the City of Lancaster to conduct a public hearing on the proposed annual budget. The proposed total tax rate required to provide revenue for maintenance and operations and interest and sinking fund requirements is \$0.819736 cents per one hundred dollars (\$100.00) assessed valuation. The approval of the proposed ordinance will adopt the FY 2020/2021 budget and appropriate necessary funds for the City's operation, maintenance and debt service requirements. The proposed budget was presented to the Lancaster City Council at a work session held on August 10, 2020 and August 24, 2020. A virtual budget town hall was held on September 3, 2020. The first public hearing was conducted on Monday, September 14, 2020, at the City Council Meeting to receive comments from the public regarding the FY 2020/2021 proposed budget. There were no speakers. Additionally, this is the second and final public hearing to receive comments from the public regarding the FY 2020/2021 proposed budget. City Manager Mauldin-Jones shared that the total budget for all funds is \$63,738,326 and that the proposed tax rate is \$0.819736 per \$100 assessed valuation to be assessed on taxable property to generate revenues for the maintenance, operations, interest and sinking, and street maintenance fund requirements. The proposed maintenance and operations fund requirements will decrease from \$0.5952 to \$0.580167. The proposed interest and sinking fund requirements will decrease from \$0.245725 to \$0.214569. This is a decrease from our previous year tax rate of \$0.840925, \$0.5952 for the maintenance and operations in general fund, and \$0.245725 for the interest and sinking fund. The street maintenance fund requirements will remain at \$0.025. City Manager Mauldin-Jones shared that the Notice regarding the public hearing was posted in accordance with state law in the City's newspaper of record, Focus Daily News on September 3, 2020, as well as on the City of Lancaster website and that staff recommends City Council conduct and close the public hearing and approve the ordinance as presented.

Councilmember Jaglowski commended staff on presenting a stellar FY2020/21 budget in the face of existential challenges that facilitates a sustainable budget with no reduction in staff; a lower tax rate for the 2<sup>nd</sup> year in a row; and planned growth and infrastructure improvements.

Mayor Hairston opened the public hearing.

There were no speakers.

**MOTION:** Mayor Pro Tem Hill made a motion, seconded by Councilmember Jaglowski to close the public hearing. Mayor Hairston called the voice roll. The roll call vote was 6 for, 0 against [absent: Mejia].

**MOTION:** Councilmember Jaglowski made a motion, seconded by Councilmember Strain-Burk to approve item 11. Mayor Hairston called the voice roll. The roll call vote was 6 for, 0 against [absent: Mejia].

**12. Discuss and consider a resolution ratifying the budget for the fiscal year 2020/2021 that results in an increase of revenues by 3.90% from property taxes over the previous year.**

City Manager Mauldin-Jones shared that as of September 1, 2007 several laws went into effect, including House Bill 3195 as passed by the 80<sup>th</sup> Legislature. This bill requires cities to post both their preliminary and adopted budgets on their website. It also requires cities and counties that will be raising more revenue from property taxes than in the previous year, to have a separate vote of the governing body to ratify the tax increase reflected in the budget. The FY 2020/2021 budget and tax rate results in an increase in revenues by 3.90% (percentage by which the tax rate will be higher than the effective rate calculated under Chapter 26, Tax Code) from property taxes compared to the previous year. The legislation is specific and requires separate action by the City Council. City Manager Mauldin-Jones shared that staff recommends approval of the resolution with the following motion that is required by state law: Motion to approve a budget that will result in an increase of revenue from property taxes than the previous year and to ratify a property tax revenue increase reflected in said budget.

**MOTION:** Councilmember Jaglowski made a motion to approve a budget that results in an increase of revenues by 3.90% from property taxes over the previous year and to ratify a property tax increase in said budget, seconded by Councilmember Strain-Burk to approve item 12. Mayor Hairston called the voice roll. The roll call vote was 6 for, 0 against [absent: Mejia].

**13. Conduct a public hearing and consider an ordinance regarding the proposed revenue increase from levying ad valorem taxes for fiscal year 2020/2021 at \$0.819736 per one hundred dollars assessed valuation of all taxable property within the corporate limits to provide revenues for current maintenance and operation expenses and interest and sinking fund requirements; providing due and delinquent dates; penalties and interest; providing a homestead exemption and disability exemption.**

City Manager Mauldin-Jones shared that State Truth-in-Taxation law, Local Government Code and the City Charter require that an ordinance levying the ad valorem taxes be read and a public hearing held at a regular or special meeting of the Lancaster City Council. The tax rate proposed for fiscal year 2020/2021 is \$0.819736 per one hundred dollars assessed valuation on taxable property within the corporate limits. These tax dollars provide revenue for current operating and maintenance expenses and interest and sinking fund requirements. The total tax revenue will increase from properties on the tax roll in the preceding tax year by 3.90% (percentage by which the tax rate will be higher than the No-New-Revenue tax rate calculated under Chapter 26, Tax Code.) Individual taxes may increase or decrease at a rate greater or lesser depending on the change in the taxable value of each property. This is the second and final public hearing regarding the proposed tax rate. The first public hearing was held on Monday, September 14, 2020. City Manager Mauldin-Jones shared that the proposed tax rate of \$0.819736 on each one hundred dollars (\$100.00) assessed value of taxable property to be apportioned and distributed as follows: \$0.605167 for the purpose of maintenance and operations (including \$0.025 dedicated to the Street Maintenance Fund), and \$0.214569 for interest and sinking fund requirements. City Manager Mauldin-Jones shared that public notices were published on Thursday, September 3, 2020, in the official

City publication of record, Focus Daily News and on the City of Lancaster website. Information regarding the proposed tax rate is being made available in accordance with state law and the City Charter and that the proposed tax rate is to cover the cost of the maintenance and operations and interest and sinking fund requirements. City Manager Mauldin-Jones shared that staff recommends City Council conduct and close the public hearing, and approve the ordinance as presented with the following motion that is required by state law: I move that the property tax rate be increased by the adoption of a tax rate of \$0.819736, which is effectively a 3.90 percent increase in the tax rate.

Mayor Hairston opened the public hearing.

There were no speakers.

**MOTION:** Councilmember Strain-Burk made a motion, seconded by Councilmember Jaglowski to close the public hearing. Mayor Hairston called the voice roll. The roll call vote was 6 for, 0 against [absent: Mejia].

**MOTION:** Councilmember Jaglowski made a motion, seconded by Councilmember Strain-Burk to approve item 11. Mayor Hairston called the voice roll. The roll call vote was 6 for, 0 against [absent: Marco Mejia].

**MOTION:** Councilmember Strain-Burk made a motion, seconded by Councilmember Jaglowski to adjourn. The vote was unanimous [absent: Mejia].

The meeting was adjourned at 7:38 p.m.

**ATTEST:**

**APPROVED:**

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Sorangel O. Arenas, City Secretary

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Clyde C. Hairston, Mayor

## LANCASTER CITY COUNCIL

### City Council Regular Meeting

2.

**Meeting Date:** 10/26/2020

**Policy Statement:** This request supports the City Council 2020-2021 Policy Agenda

**Goal(s):** Healthy, Safe & Engaged Community

**Submitted by:** Kenneth Johnson, Fire Chief

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#### **Agenda Caption:**

Consider a resolution ratifying the terms and conditions of an Interlocal Agreement with the City of Cedar Hill for services related to training and education for the Lancaster Fire Department.

#### **Background:**

The City of Cedar Hill entered into an agreement with Readiness Group, LLC, for the consultation and development of a trauma-based education and peer response program for first responders to receive training and education for responding to on-the-job trauma-related experiences.

#### **Operational Considerations:**

The City of Lancaster desires to participate with Cedar Hill under the Consulting Agreement. The Consulting Agreement provides that other cities may join and participate with Cedar Hill as a client party under the said agreement. According to the agreement, there is a \$0 matching funds requirement and an in-kind donation of \$200,000, which is to be shared by all participating cities. The City of Lancaster will provide training and office space when service is being provided to our first responders.

#### **Legal Considerations:**

The City Attorney has reviewed the resolution and approved the resolution and agreement as to form.

#### **Public Information Considerations:**

This item is being considered at a meeting of the City Council notified in accordance with the Texas Open Meetings Act.

#### **Options/Alternatives:**

1. City Council may approve the resolution, as presented.
2. City Council may deny the resolution.

#### **Recommendation:**

Staff recommends approval of the resolution as presented.

#### **Attachments**

Resolution

Interlocal Agreement

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**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BY AND BETWEEN THE CITY OF CEDAR HILL AND THE CITY OF LANCASTER, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A, FOR SERVICES RELATED TO THE READINESS GROUP, LLC FOR THE CONSULTATION AND DEVELOPMENT OF A TRAUMA-BASED EDUCATION AND PEER RESPONSE PROGRAM FOR THE FIRST RESPONDERS (THE "CONSULTING AGREEMENT"); AND PROVIDE AN EFFECTIVE DATE.**

**WHEREAS**, Cedar Hill and Lancaster are both governmental entities engaged in the purchase of goods and services, which is a recognized governmental function; and

**WHEREAS**, Cedar Hill has entered into an agreement with Readiness Group, LLC, for the consultation and development of a trauma-based education and peer response program for first responders who have been vicariously traumatized by criminal acts (the "Consulting Agreement"), a true and correct copy of which is attached hereto as Exhibit "A" and is incorporated herein for all purposes; and

**WHEREAS**, the Consulting Agreement provides that other cities may join and participate with Cedar Hill as a client party under the said agreement; and

**WHEREAS**, the City of Lancaster desires to participate with Cedar Hill in and under the Consulting Agreement; and

**WHEREAS**, Chapter 791 of the Texas Government Code (the Interlocal Cooperation Act) provides that a local government may agree with another local government to purchase goods and services;

**WHEREAS**, participation in the Consulting Agreement will be highly beneficial to the employees and citizens of Cedar Hill and Lancaster through the benefits to be derived under the Consulting Agreement and anticipated savings to be realized.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS:**

**SECTION 1.** The City Council hereby authorizes, approves and accepts the terms and conditions of the Interlocal Agreement by and between the City of Lancaster and the City of Cedar Hill, which is attached hereto and incorporated herein by reference as "Exhibit A".

**SECTION 2.** That this Resolution shall take effect on its passage, as the law and charter in such cases provide.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Sorangel O. Arenas, City Secretary

\_\_\_\_\_  
Clyde C. Hairston, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
David T. Ritter, City Attorney



## INTERLOCAL AGREEMENT

This Interlocal Agreement ("Agreement") is made and entered into by and between the City of Cedar Hill, Texas, and the City of Lancaster, Texas, each acting by and through its duly authorized officials and is effective as of October 1, 2020.

WHEREAS, Cedar Hill and Lancaster are both governmental entities engaged in the purchase of goods and services, which is a recognized governmental function; and

WHEREAS, Cedar Hill has entered into an agreement with Readiness Group, LLC, for the consultation and development of a trauma-based education and peer response program for first responders who may have been vicariously traumatized by criminal acts (the "Consulting Agreement"), a true and correct copy of which is attached hereto as Exhibit A and is incorporated herein for all purposes; and

WHEREAS, the Consulting Agreement provides that other cities may join and participate with Cedar Hill as a client party under the said agreement; and

WHEREAS, the City of Lancaster desires to participate with Cedar Hill in and under the Consulting Agreement; and

WHEREAS, Chapter 791 of the Texas Government Code (the Interlocal Cooperation Act) provides that a local government may agree with another local government to purchase goods and services; and

WHEREAS, participation in the Consulting Agreement will be highly beneficial to the employees and citizens of Cedar Hill and Lancaster through the benefits to be derived under the Consulting Agreement and anticipated savings to be realized; and

WHEREAS, Cedar Hill and Lancaster have current funds available to satisfy any fees owed pursuant to this Agreement and the Consulting Agreement.

**NOW, THEREFORE**, in consideration of the foregoing and the mutual promises, covenants and obligations as set forth herein; Cedar Hill and Lancaster agree as follows:

1. Cedar Hill and Lancaster may cooperate in the purchase of services and participate as parties in and to the Consulting Agreement.
2. Cedar Hill and Lancaster shall each be responsible for their proportion share of costs and fees owed to Readiness Group, LLC under the Consulting Agreement. Cedar Hill shall invoice Lancaster for its proportionate share of costs and fees on a monthly basis and such amounts shall be due and payable from Lancaster to Cedar Hill within 30 days of the

INTERLOCAL AGREEMENT

date of each invoice.

3. Notwithstanding anything herein to the contrary, participation in this Agreement may be terminated by any party upon thirty (30) days written notice to the other participating party(ies).

4. This Agreement may not be assigned by any party hereto without the prior written unanimous consent of the other parties. No assignment, delegation of duties or subcontract under this Agreement shall be effective without the prior written unanimous consent of all parties hereto.

5. The validity of this Agreement and any of its terms and provisions, as well as the rights and duties of the parties, shall be governed by the laws of the State of Texas. Venue for any action arising from or relating to this Agreement shall be in the State District Courts of Dallas County, Texas.

6. In the event that any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect the other provisions, and the Agreement shall be construed as if such invalid, illegal or unenforceable provisions had never been contained in this Agreement.

7. This Agreement may be amended by the mutually written agreement of the parties hereto.

8. This Agreement constitutes the entire agreement between the parties, and there exist no other written or oral understandings, agreements or assurances with respect to any matters except as set forth herein. Unless expressly stated, this Agreement confers no rights to or upon any person or entity that is not a party hereto.

9. In the event that any party shall be prevented from performing any of its obligations under this Agreement by any act of God, war, right, civil commotion, strikes, fires, flood or by the occurrence of any other event beyond the control of such party, then such party shall be excused from the performance of the obligations in this Agreement but only during such periods of Force Majeure.

10. This Agreement may be executed separately by the participating entities, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

11. This Agreement shall become effective on the day and year first written above (the "Effective Date"). The primary term of this Agreement shall be for one (1) year, commencing on the Effective Date and terminating on September 30, 2021, and shall thereafter automatically

INTERLOCAL AGREEMENT

Page 2

renew for successive one-year terms, unless terminated according to the terms set forth in Paragraph 3.

12. To the extent allowed by law, each party agrees to release and hold harmless the other (and its officers, agents, and employees) from and against all claims or causes of action for injuries (including death), property damages (including loss of use), and any other losses, demands, suits, judgments and costs, including reasonable attorneys' fees and expenses, in any way arising out of, related to, or resulting from its performance under this agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees, or any other third parties for whom it is legally responsible) in connection with performing this Agreement.

13. It is expressly understood and agreed that, in the execution of this Agreement, neither party waives, nor shall be deemed hereby to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, express or implied other than those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.

EXECUTED this 30 day of September, 2020.

**CITY OF CEDAR HILL, TEXAS**

By: \_\_\_\_\_  
\_\_\_\_\_, Mayor

ATTEST:

\_\_\_\_\_  
Belinda Berg, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Ron G. MacFarlane, Jr., City Attorney

**CITY OF LANCASTER, TEXAS**

By: Clyde C. Hairston  
Clyde C. Hairston, Mayor

ATTEST:

Sorangel O. Arenas

Sorangel O. Arenas, City Secretary

APPROVED AS TO FORM:

David T. Ritter

David T. Ritter, City Attorney

INTERLOCAL AGREEMENT

Page 4

## LANCASTER CITY COUNCIL

### City Council Regular Meeting

3.

**Meeting Date:** 10/26/2020

**Policy Statement:** This request supports the City Council 2020-2021 Policy Agenda

**Goal(s):** Quality Development

**Submitted by:** Shane Shepard, Director of Economic Development

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#### **Agenda Caption:**

Consider a resolution ratifying an amendment to the Performance Agreement with Dallas College, (formerly known as Cedar Valley College (CVC)) authorizing one hundred fifty thousand dollars (\$150,000) from the Lancaster Economic Development Corporation (LEDC).

#### **Background:**

A Performance Agreement in the amount of \$150,000 was initially approved by the Lancaster Economic Development Corporation on November 1, 2018 and ratified by City Council on November 18, 2018.

Dallas College will provide a comprehensive HVAC training program that will prepare students for careers in industry positions in the North Texas service area and beyond. These programs will allow students to obtain marketable skills in order to make an above-average salary in a high demand industry. The median salary in North Texas for Heating, Air Conditioning, and Refrigeration Mechanics is \$43,680 annually with a growth rate of 27.90% between 2012 and 2022. There are currently 7,660 HVAC positions in the DFW area. From 2017-2027. It is estimated that there will be a 28.5% increase in demand requiring an additional 2,183 HVAC positions.

Dallas College is requesting to extend the term of the Performance Agreement related to the grant from September 30, 2020 to September 30, 2021 to allow completion of the facility and to amend the agreement with Dallas College (successor-in-interest to Cedar Valley College). The creation of the program and completion of the building was delayed due to the COVID-19 pandemic and related social distancing guidelines adopted to help prevent the spread of the virus. All other terms of the Performance Agreement remain the same.

The overall estimated cost of the commercial HVAC lab is \$4.8 million. Subject to the approval of this amendment, the development of the program must be operational by September 30, 2021. Allocated funds must be used for real or business personal property purchases. Receipts in the amount of at least \$150,000 for said purchases must be submitted to the City of Lancaster, Department of Economic Development for verification.

#### **Operational Considerations:**

The administrative elements of monitoring the incentive agreement are well within the scope of staff activities. This program will benefit our area by providing easy access to training for our citizens in a field that is in high demand and pays approximately 20% higher than the current Lancaster median income.

#### **Legal Considerations:**

The City Attorney as reviewed and approved the resolution and agreement as to form.

**Public Information Considerations:**

This item is being considered at a Regular Meeting of the City Council noticed and held in accordance with the Texas Open Meetings Act.

**Fiscal Impact:**

The grant, if fully exercised, would total \$150,000 an amount within the LEDC's fiscal year 2020/2021 incentive budget.

**Options/Alternatives:**

1. City Council may approve the resolution, as presented.
2. City Council may deny the resolution.

**Recommendation:**

Staff recommends approval of the resolution, as presented.

**Attachments**

Resolution

LEDC Resolution

Performance Agreement 11-2018

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## **RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF LANCASTER TEXAS, (LEDC), RATIFYING THE TERMS AND CONDITIONS OF AN AMENDMENT TO A PERFORMANCE AGREEMENT BETWEEN LANCASTER ECONOMIC DEVELOPMENT CORPORATION OF LANCASTER TEXAS (LEDC) AND DALLAS COLLEGE, FORMERLY CEDAR VALLEY COLLEGE (CVC), IN SUPPORT OF A GRANT TO CVC FROM FUNDS COLLECTED FROM ½ OF 1 PERCENT ADDITIONAL SALES AND USE TAX FOR THE DEVELOPMENT OF NEW HEATING, VENTILATION, AIR CONDITIONING (HVAC) PROGRAM FROM SEPTEMBER 30, 2020 TO SEPTEMBER 30, 2021, AS AUTHORIZED BY STATE LAW.**

**WHEREAS**, the City of Lancaster and the Lancaster Economic Development Corporation (LEDC) recognizes the importance of business and community development to the vitality and growth of Lancaster; and

**WHEREAS**, on November 1, 2018, the LEDC approved the terms of a Performance Agreement between the City of Lancaster and Cedar Valley College related to a grant to assist in the creation of an HVAC program at the school; and

**WHEREAS**, on November 12, 2018 the City Council ratified the terms of this Performance Agreement authorized the Lancaster Economic Development Corporation to enter into the agreement by Resolution No. 2018-11-91; and

**WHEREAS**, the creation of the program and completion of the building were delayed due to the COVID-19 pandemic and related social distancing guidelines adopted to help prevent the spread of the disease; and

**WHEREAS**, CVC is requesting to extend the term of the Performance Agreement related to the grant from September 30, 2020 to September 30, 2021 to allow completion of the facility and to amend the agreement with Dallas College (successor-in-interest to Cedar Valley College); and

**WHEREAS**, pursuant to Lancaster Economic Development Corporation Resolution 2020-09-01 which was passed and approved on the 24<sup>th</sup> of September 2020 by the Board of Directors of the LEDC, extending the completion deadline from September 30, 2020 to September 30, 2021; and

**WHEREAS**, the Board of Directors of LEDC are responsible for the review and evaluation of Type A incentive applications; and

**WHEREAS**, the board of LEDC is also responsible for recommending modifications of existing agreements to the Lancaster City Council for review and approval.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS:**

**SECTION 1.** The City Council of the City of Lancaster, Texas ratifies the September 24, 2020 actions of the Board of Directors of the LEDC an amendment to the Performance Agreement between CVC and the City of Lancaster related to creation of an HVAC program at CVC.

**SECTION 2.** The City Council authorizes LEDC to amend the Performance Agreement with CVC, wich is attached hereto and incorporated herein as Exhibit "A".

**SECTION 3.** That this resolution shall take effect immediately from and after its passage and it is so resolved.

**DULY PASSED** and approved by the City Council of the City of Lancaster, Texas on this the 26<sup>th</sup> day of October, 2020.

**ATTEST:**

**APPROVED:**

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Sorangel O. Arenas, City Secretary

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Clyde C. Hairston, Mayor

**APPROVED AS TO FORM:**

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David T. Ritter, City Attorney

**RESOLUTION NO.**



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF DIRECTORS EXTENDING THE TERM OF THE PERFORMANCE AGREEMENT BETWEEN LANCASTER ECONOMIC DEVELOPMENT CORPORATION OF LANCASTER TEXAS, (LEDC) AND DALLAS COLLEGE, FORMERLY CEDAR VALLEY COLLEGE (CVC), IN SUPPORT OF A GRANT TO CVC FROM FUNDS COLLECTED FROM ¼ OF 1 PERCENT ADDITIONAL SALES AND USE TAX FOR THE DEVELOPMENT OF NEW HEATING, VENTILATION, AIR CONDITION (HVAC) PROGRAM FROM SEPTEMBER 30, 2020 TO SEPTEMBER 30, 2021, AS AUTHORIZED BY STATE LAW; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Lancaster Economic Development Corporation recognizes how important skills development is to the vitality, growth, and economic development of Lancaster; and

**WHEREAS**, on November 1, 2018, the Lancaster Economic Development Corporation approved the terms of a Performance Agreement between the City of Lancaster and Cedar Valley College related to a grant to assist in the creation of an HVAC program at the school; and

**WHEREAS**, on November 12, 2018 the City Council ratified the terms of this Performance Agreement authorized the Lancaster Economic Development Corporation to enter into the agreement by Resolution No. 2018-11-91; and

**WHEREAS**, the creation of the program and completion of the building were delayed due to the COVID-19 pandemic and related social distancing guidelines adopted to help prevent the spread of the disease; and

**WHEREAS**, CVC is requesting to extend the term of the Performance Agreement related to the grant from September 30, 2020 to September 30, 2021 to allow completion of the facility and to amend the agreement with Dallas College (successor-in-interest to Cedar Valley College); and

**WHEREAS**, the HVAC training facility will be operational by September 30, 2021; and

**WHEREAS**, allocated funds may be used for the purchase of real and business personal property for the HVAC training facility; and

**WHEREAS**, the Board of Directors of LEDC are responsible for the review and evaluation of Type A incentive applications; and

**WHEREAS**, the board of LEDC is also responsible for recommending modifications of existing agreements to the Lancaster City Council for review and approval.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LANCASTER ECONOMIC DEVELOPMENT CORPORATION:**

**SECTION 1.** That the Board of Directors of the Lancaster Economic Development Corporation approves an amendment of the Performance Agreement between Cedar Valley College and the City of Lancaster related to a \$150,000 matching grant that will result in a \$4.8 million state-of-the-art HVAC training center at Cedar Valley College from September 30, 2020 to September 30, 2021;

**SECTION 2.** That this resolution shall take effect immediately from and after its passage, and it is so duly resolved.

**DULY PASSED AND ADOPTED ON THIS 24TH DAY OF SEPTEMBER, 2020.**

**APPROVED:** \_\_\_\_\_  
Ted Burk, President

**ATTEST:** \_\_\_\_\_  
Shane Shepard,  
Economic Development Director

**APPROVED  
AS TO  
FORM:** \_\_\_\_\_  
Dave Ritter, City Attorney

## **ECONOMIC DEVELOPMENT PERFORMANCE AGREEMENT**

This **PERFORMANCE AGREEMENT** by and between **CEDAR VALLEY COLLEGE**, a component college of the Dallas County Community College District (hereinafter referred to as “Developer”), and the **LANCASTER ECONOMIC DEVELOPMENT CORPORATION**, a Texas non-profit corporation (hereinafter referred to as the “LEDC”), is made and executed on the following recitals, terms and conditions.

**WHEREAS**, LEDC is a Type A economic development corporation operating pursuant to Chapter 504 of the Texas Local Government Code, as amended (also referred to as the “Act”), and the Texas Non-Profit Corporation Act, as codified in the Texas Business Organizations Code, as amended; and

**WHEREAS**, Section 501.101 of the Texas Local Government Code, in pertinent part, defines the term “project” to mean “land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements that are: (1) for the creation or retention of primary jobs; and (2) found by the board of directors to be required or suitable for the development, retention, or expansion of: (A) manufacturing and industrial facilities; (B) research and development facilities; (C) military facilities, including closed or realigned military bases; . . . (F) recycling facilities; . . . (I) distribution centers; (J) small warehouse facilities capable of serving as decentralized storage and distribution centers; (K) primary job training facilities for use by institutions of higher education; or (L) regional or national corporate headquarters facilities”; and

**WHEREAS**, Section 501.158 of the Texas Local Government Code prohibits the provision of a direct incentive unless LEDC enters into an Agreement with Developer providing at a minimum a schedule of capital investments to be made as consideration for any direct incentives provided by LEDC to Developer; and a provision specifying the terms and conditions upon which repayment must be made should Developer fail to meet the agreed to performance requirements specified in this Agreement; and

**WHEREAS**, the LEDC’s Board of Directors have determined the financial assistance provided to Developer for the Qualified Expenditures to be made to the Property is consistent with and meets the definition of “project” as that term is defined in Section 501.101 of the Texas Local Government Code; and the definition of “cost” as that term is defined by Section 501.152 of the Texas Local Government Code; and

**WHEREAS**, Developer agrees and understands that Section 501.073(a) of the Texas Local Government Code requires the City Council of the City of Lancaster, Texas, to approve all programs and expenditures of LEDC, and accordingly this Agreement is not effective until City Council has approved this project at a City Council meeting called and held for that purpose.

**NOW, THEREFORE**, for and in consideration of the agreements contained herein, and other

good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, LEDC and Developer agree as follows:

## **SECTION 1. FINDINGS INCORPORATED.**

The foregoing recitals are hereby incorporated into the body of this Agreement and shall be considered part of the mutual covenants, consideration and promises that bind the parties.

## **SECTION 2. TERM.**

This Agreement shall be effective as of the Effective Date, and shall continue thereafter until all obligations of Developer to LEDC have been performed in full, or on **September 30, 2020**, whichever is sooner, unless terminated sooner under the provisions hereof.

## **SECTION 3. DEFINITIONS.**

The following words shall have the following meanings when used in this Agreement.

- (a) **Act.** The word “Act” means Chapters 501 to 505 of the Texas Local Government Code, as amended.
- (b) **Agreement.** The word “Agreement” means this Performance Agreement, together with all exhibits and schedules attached to this Performance Agreement from time to time, if any.
- (c) **City.** The word “City” means the City of Lancaster, Texas, a Texas home-rule municipality, whose address for the purposes of this Agreement is 211 N. Henry Street, Lancaster, Texas 75146.
- (d) **Developer.** The words “Developer” means Cedar Valley College, a component college of the Dallas County Community College District, its successors and assigns, whose address for the purposes of this Agreement is 3030 N. Dallas Avenue, Lancaster, Texas 75134.
- (e) **Effective Date.** The words “Effective Date” means the date of the latter to execute this Agreement by and between the Developer and LEDC.
- (f) **Event of Default.** The words “Event of Default” means and include any of the Events of Default set forth below in the section entitled “Events of Default.”
- (g) **LEDC.** The word “LEDC” means the Lancaster Economic Development Corporation, a Texas non-profit corporation, its successors and assigns, whose corporate address for the

purposes of this Agreement is 211 N. Henry Street, Lancaster, Texas 75146.

- (h) **Property.** The word “Property” means the campus of Cedar Valley College, located at 3030 N. Dallas Avenue in Lancaster, Texas.
- (i) **Qualified Expenditures.** The words “Qualified Expenditures” mean those expenditures made by the Developer for the HVAC Training Program/Facilities located on the Property and as defined by Section 501.101 of the Act, and the definition of “cost” as that term is defined by Section 501.152 of the Act.
- (j) **Term.** The word “Term” means the term of this Agreement as specified in Section 2 of this Agreement.

#### **SECTION 4. AFFIRMATIVE COVENANTS OF DEVELOPER.**

Developer covenants and agrees with LEDC that, while this Agreement is in effect, it shall comply with the following terms and conditions:

- (a) **Fund Grant for Qualified Expenditures.** Upon execution and Effective Date of this Agreement, Developer shall be entitled to a grant from LEDC for Qualified Expenditures in an amount not to exceed **One Hundred and Fifty Thousand and No/100 Dollars (\$150,000.00)**. Developer covenants and agrees to submit to LEDC invoices, receipts, or other documentation of the Qualified Expenditures in a form acceptable to LEDC by September 30, 2020.
- (b) **Operate Program.** Developer covenants and agrees to plan, construct, and/or operate the HVAC Training Program/Facilities during the term of the Agreement.
- (c) **Performance.** Developer agrees to perform and comply with all terms, conditions, and provisions set forth in this Agreement and in all other instruments and agreements by and between Developer and LEDC.

#### **SECTION 5. AFFIRMATIVE COVENANTS OF LEDC.**

LEDC covenants and agrees with the Developer that, while this Agreement is in effect, it shall comply with the following terms and conditions:

- (a) **Fund Grant for Qualified Expenditures.** LEDC covenants and agrees to provide a grant for Qualified Expenditures made by the Developer pursuant to Section 4(a) of this Agreement, in an amount not to exceed **One Hundred Fifty Thousand and No/100 Dollars (\$150,000.00)**.

- (b) **Performance.** LEDC agrees to perform and comply with all terms, conditions, and provisions set forth in this Agreement and in all other instruments and agreements by and between the Developer and LEDC.

## **SECTION 6. CESSATION OF ADVANCES.**

If LEDC has made any commitment to make any advance of financial assistance to Developer, whether under this Agreement or under any other agreement, LEDC shall have no obligation to advance or disburse any financial assistance if: (i) Developer becomes insolvent, files a petition in bankruptcy or similar proceedings, or is adjudged bankrupt; or (ii) an Event of Default occurs.

## **SECTION 7. EVENTS OF DEFAULT.**

Each of the following shall constitute an Event of Default under this Agreement:

- (a) **General Event of Default.** Failure of Developer or LEDC to comply with or to perform any other term, obligation, covenant or condition contained in this Agreement, or failure of Developer or LEDC to comply with or to perform any other term, obligation, covenant or condition contained in any other agreement by and between Developer and LEDC is an Event of Default.
- (b) **False Statements.** Any warranty, representation, or statement made or furnished to the LEDC by or on behalf of Developer under this Agreement that is false or misleading in any material respect, either now or at the time made or furnished is an Event of Default.
- (c) **Insolvency.** Developer's insolvency, appointment of receiver for any part of Developer's property, any assignment for the benefit of creditors of Developer, any type of creditor workout for Developer, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Developer is an Event of Default.

## **SECTION 8. EFFECT OF AN EVENT OF DEFAULT.**

In the event of default under Section 7 of this Agreement, the non-defaulting party shall give written notice to the other party of any default, and the defaulting party shall have thirty (30) days to cure said default. Should said default remain uncured as of the last day of the applicable cure period, and the non-defaulting party is not otherwise in default, the non-defaulting party shall have the right to immediately terminate this Agreement, enforce specific performance as appropriate, or maintain a cause

of action for damages caused by the event(s) of default. In the event, Developer defaults and is unable or unwilling to cure said default within the prescribed time period, the amounts provided by LEDC to Developer pursuant to Section 5 of this Agreement shall become immediately due and payable by Developer to the LEDC.

## **SECTION 9. MISCELLANEOUS PROVISIONS.**

The following miscellaneous provisions are a part of this Agreement:

- (a) **Amendments.** This Agreement constitutes the entire understanding and agreement of the parties as to the matters set forth in this Agreement. No alteration of or amendment to this Agreement shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.
- (b) **Applicable Law and Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Dallas County, Texas. Venue for any action arising under this Agreement shall lie in the state district courts or federal courts for Dallas County, Texas.
- (c) **Assignment.** This Agreement may not be assigned without the express written consent of the other party.
- (d) **Binding Obligation.** This Agreement shall become a binding obligation on the signatories upon execution by all signatories hereto. Developer warrants and represents that the individual or individuals executing this Agreement on behalf of Developer has full authority to execute this Agreement and bind Developer to the same. LEDC warrants and represents that the individual executing this Agreement on its behalf has full authority to execute this Agreement and bind it to the same.
- (e) **Caption Headings.** Caption headings in this Agreement are for convenience purposes only and are not to be used to interpret or define the provisions of the Agreement.
- (f) **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and all of which shall constitute one and the same document.
- (g) **Force Majeure.** It is expressly understood and agreed by the parties to this Agreement that if the performance of any obligations hereunder is delayed by reason of war, civil commotion, acts of God, inclement weather, fire or other casualty, or court injunction, the party so obligated or

permitted shall be excused from doing or performing the same during such period of delay, so that the time period applicable to such obligation or requirement shall be extended for a period of time equal to the period such party was delayed.

- (h) **Notices.** Any notice or other communication required or permitted by this Agreement (hereinafter referred to as the “Notice”) is effective when in writing and (i) personally delivered either by facsimile (with electronic information and a mailed copy to follow) or by hand or (ii) three (3) days after notice is deposited with the U.S. Postal Service, postage prepaid, certified with return receipt requested, and addressed as follows:

if to Developer: Cedar Valley College  
3030 N. Dallas Avenue  
Lancaster, Texas 75134  
Attn: Dr. Joseph Seabrooks

if to LEDC: Lancaster Economic Development Corporation  
211 N. Henry Street  
Lancaster, Texas 75146  
Attn: Shane Shepard

- (j) **Severability.** If a court of competent jurisdiction finds any provision of this Agreement to be invalid or unenforceable as to any person or circumstance, such finding shall not render that provision invalid or unenforceable as to any other persons or circumstances. If feasible, any such offending provision shall be deemed to be modified to be within the limits of enforceability or validity; however, if the offending provision cannot be so modified, it shall be stricken and all other provisions of this Agreement in all other respects shall remain valid and enforceable.
- (k) **Time is of the Essence.** Time is of the essence in the performance of this Agreement.

**[The Remainder of this Page Intentionally Left Blank]**



**DEVELOPER ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS PERFORMANCE AGREEMENT, AND DEVELOPER AGREES TO ITS TERMS. THIS PERFORMANCE AGREEMENT IS EFFECTIVE AS OF THE EFFECTIVE DATE AS DEFINED HEREIN.**

**DEVELOPER:**

***CEDAR VALLEY COLLEGE***

a component college of Dallas County Community  
College District

By: \_\_\_\_\_

Name

Title:

Date Signed: \_\_\_\_\_

**STATE OF TEXAS**

§

§

**COUNTY OF \_\_\_\_\_**

§

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2018, by \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_, a  
Texas \_\_\_\_\_, on behalf of said Texas \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

**LEDC:**

***LANCASTER ECONOMIC  
DEVELOPMENT CORPORATION,***  
a Texas non-profit corporation

By: \_\_\_\_\_

President

Date Signed: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
, Secretary

**STATE OF TEXAS**

§

§

**COUNTY OF DALLAS**

§

This instrument was acknowledged before me on the \_\_\_ day of \_\_\_\_\_, 2018, by \_\_\_\_\_, President of the Lancaster Economic Development Corporation, a Texas non-profit corporation, on behalf of said Texas corporation.

\_\_\_\_\_  
Notary Public, State of Texas

## LANCASTER CITY COUNCIL

### City Council Regular Meeting

4.

**Meeting Date:** 10/26/2020

**Policy Statement:** This request supports the City Council 2020-2021 Policy Agenda

**Goal(s):** Healthy, Safe & Engaged Community  
Quality Development

**Submitted by:** Vicki D. Coleman, Development Services Director

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#### **Agenda Caption:**

Z20-07 Conduct a public hearing and consider an ordinance for a revised Planned Development Site Plan for Planned Development Ordinance No. 26-88 (PD-26-88) on the property addressed as 800 North I-35E. The property is described as Lot 2, Block 1, Oak Creek Homes Addition situated in the Valentine Wampler Survey, Abstract No. 1546, City of Lancaster, Dallas County, Texas.

On October 20, 2020, the applicant submitted a letter to the City requesting withdrawal of consideration to expand the boundary of the PD for outdoor storage.

#### **Background:**

1. **Location and Size:** The property is addressed as 800 North I-35E and is approximately 23.785 acres.
2. **Current Zoning:** The property is currently zoned Planned Development - Light Industrial (PD-LI).
3. **Adjacent Properties:**  
North: Commercial Highway (Vacant)  
South: Commercial Highway (Home Depot)  
East: Commercial Highway (Outside Storage)  
South: Commercial Highway (Outside Storage)
4. **Comprehensive Plan Compatibility:** The Future Land Use plan of the Comprehensive Plan identifies this site as suitable for Suburban Mixed Use Center. This request is not consistent with the Future Land Use Plan of the 2016 Comprehensive Plan.
5. **Case History/Background:**

Date	Body	Action
09/19/1988	CC	PD Ordinance No. 26-88 Approved Zoning
09/01/2020	P&Z	Recommended approval of the building expansion and denial of the request to expand the boundary of the PD for the purpose of outdoor storage.

### **Operational Considerations:**

In 1988, a PD-LI ordinance was approved to allow uses permitted within the Neighborhood Services District (NS), the Retail District (R), Commercial Highway District (CH), and Light Industrial District (LI). The applicant has been continuously operating a manufacturing company for manufactured homes and has increased the size of the building in order to accommodate an increased workforce of 250 employees. The applicant added a 32,500 square feet addition to the east and a 5,700 square feet addition to the south of the existing building in order to accommodate the increased number of their employees. The additions total to 38,200 square feet. Also, these additions were performed without a permit in August 2019. The size of the overall building has increased from 77,550 square feet to 121,250 square feet. Any life safety issues have been corrected and observed by the Building Official and Fire Marshal.

Additionally, the applicant is requesting to expand the boundary of the Planned Development (PD) by adding two (2) unimproved pieces of the property to the south and east of the site for outside temporary storage of the manufactured homes awaiting shipment. According to aerials from 2011, these areas have been used for outside storage for at least nine (9) years without prior City Council approval. Before a permit can be issued for outside storage, a site plan must first be approved by the City Council. The applicant submitted a letter requesting withdrawal of consideration to expand the boundary of the PD for outside storage.

The adopted PD-LI Ordinance No. 26-88 allows for a building of up to 150,000 square feet. The ordinance also restricts the amount of outside storage of products, materials, or equipment to no more than 20 percent of the lot or tract. The applicant's expansion of the building to a total of 121,250 square feet is in compliance with the PD-LI as the square footage is under the maximum square footage allowed for this site. The applicant's request to expand the boundary of the PD to use the unimproved land on the east and south sides of the site for storage, is not in compliance with the PD which limits the amount of outside storage to no more than 20 percent of the approved boundary of the lot or tract. Section 14.402 Use Standards: Outside Storage, of the Lancaster Development Code (LDC) also prohibits outside storage, it states that, "No outside storage shall be allowed in any zoning district adjacent to IH-35 or IH-20".

**Consistency with the Comprehensive Plan:** The City's Future Land Use Plan of the Comprehensive Plan identifies this site as suitable for Suburban Mixed-Use Center uses. This land use designation is envisioned to create regional destinations, including entertainment venues, regional oriented retail and lifestyle centers. Primary use include regional retail, urban residential, senior housing, hotels, professional office, restaurants, multi-tenant commercial, and live/work/shop units. The request to expand the boundary of the PD for the purpose of outdoor storage of manufactured homes is not consistent with the Future Land Use Plan of the 2016 Comprehensive Plan.

In addition to their current use conflicting with the future land use plan, the request to amend the PD boundary for storage also conflicts with the City's planned future transportation network. Hana Lane was identified in the City's adopted 2006 Master Thoroughfare Plan as a Major Collector (Type D) and is still identified in the current adopted plan. Hana Lane is planned to provide connectivity between Beltline and Pleasant Run. The proposed road runs through a portion of Oak Creek Homes property that has been used for outside storage without a permit. Additionally, the proposed road runs close to the building expansion that was recently performed without the prior review and approval of the City.

At present, portions of Hana Lane have already been constructed and those current construction limits begin at W. Beltline Road end at the Oakmont Homes property. The minimum required Rights-of-Way (ROW) dedication for a Major Collector Type D is 60 feet based on the adopted Master Thoroughfare Plan.

**Potential Impact on Adjacent Development:** This property is surrounded by Home Depot on the south, an apartment complex on the east and north, and a vacant piece of property on the north. The proposed increase in outside storage has the potential to deter the envisioned uses for Suburban Mixed-Use Center uses on the vacant property to the north of the subject site.

**Availability of utilities and access:** The subject property is served by City of Lancaster sewer and water. Access to the property is from I-35E service road.

**Site conditions such as vegetation, topography, flood plain:** The site is currently developed with a manufactured home company.

Based upon review criteria, the proposed addition to the existing building complies with the requirements of the existing approved ordinance. The request to extend the PD site boundary for outdoor storage is not in compliance with the Future Land Use Plan of the 2016 Comprehensive Plan, the original PD-LI Ordinance No. 26-88 that restricts the amount of allowed outside storage to 20% and the LDC Section 14.402 noted above. The newly expanded structure, built without prior approval, is located in close proximity to the future extension of Hanna Lane.

**Legal Considerations:**

The City Attorney reviewed and approved the ordinance as to form.

**Public Information Considerations:**

This item is being considered at a Regular Meeting of the City Council noticed in accordance with the Texas Open Meetings Act.

**Options/Alternatives:**

1. City Council may approve the ordinance, as presented.
2. City Council may approve the ordinance with changes, and state those changes.
3. City Council may deny the ordinance.

**Recommendation:**

On September 1, 2020, the Planning and Zoning Commission (P&Z) recommended Item 1) approval of the 38,200 square feet addition to the existing building; and Item 2) denial of the request to increase the boundary of the PD for outdoor storage. The proposed zoning request was denied by the Planning and Zoning Commission, therefore a three-fourths (3/4) majority (supermajority) vote by the City Council shall be required for approval. Staff recommendation concurs with the P&Z. The applicant has requested withdrawal of Item# 2: To increase the boundary of the PD for outdoor storage from City Council consideration.

**Attachments**

Ordinance

Original Ordinance 26-88

Site Plan

Elevations

Comprehensive Plan Excerpt

P&Z Agenda September 1, 2020

September 1, 2020 P&Z Draft Minutes

Letter in Support

Letter to Withdraw Consideration to Item# 1

Major Collector Illustration

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## ORDINANCE NO.

### **AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, GRANTING AMENDMENTS TO PLANNED DEVELOPMENT (PD) SITE PLAN ORDINANCE NO. 26-88 (PD-26-88) ON THE PROPERTY ADDRESSED AS 800 NORTH I-35E AND PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission and City Council, in accordance with the City's Code of Ordinances, state law and all other applicable ordinances of the City, have given the required notices and have held the required public hearings regarding the amendment of the City's zoning laws by changing the zoning of the property referenced in the exhibit attached hereto as Exhibit A (Site Plan) and Exhibit B (Elevations), incorporated by reference ("the Property"); and

**WHEREAS**, all legal requirements, conditions and prerequisites have been complied with prior to the case coming before the City Council for the City of Lancaster, including all mandated public notices and public hearings; and

**WHEREAS**, the City Council, after determining that all legal requirements of notice and hearing have been met, has determined that the following amendment would provide for and would be in the best interest of the health, safety, morals and general welfare of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS:**

**SECTION 1.** All of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2.** From and after the effective date of this Ordinance, Zoning Case No. Z20-07, and amendment to existing Planned Development District No.26-88 (PD-26-88); all of the standards in the PD shall continue to apply, except the following expansions as shown in Exhibit "A" Site Plan and Exhibit "B" Elevation Plan. The City's Zoning Map is hereby amended to reflect the zoning amendment referenced herein.

**SECTION 3.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 4.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 5.** Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed \$2,000.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of Lancaster to enjoin any violation or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

**SECTION 6.** This Ordinance shall become effective from and after its passage and publication.

**DULY PASSED** and approved by the City Council of the City of Lancaster, Texas, on this the 26th day of October, 2020.

**ATTEST:**

\_\_\_\_\_  
Sorangel O. Arenas, City Secretary

**APPROVED:**

\_\_\_\_\_  
Clyde C. Hairston, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
David T. Ritter, City Attorney

ORDINANCE NO. 26-88 PD 3

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF LANCASTER, AS HERETOFORE AMENDED, SO AS TO CHANGE THE FOLLOWING DESCRIBED TRACT OF LAND FROM CH (COMMERCIAL HIGHWAY) TO PD-LI (PLANNED DEVELOPMENT-LIGHT INDUSTRIAL) DISTRICT ZONING CLASSIFICATION; SAID TRACT OF LAND BEING DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Planning Commission of the City of Lancaster in compliance with the laws of the State of Texas and the ordinances of the City of Lancaster, has given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, and in the exercise of its legislative discretion, the City Council has concluded that the Comprehensive Zoning Ordinance should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Lancaster, Texas, as heretofore amended, be and the same is hereby amended by amending the Zoning Map of the City of Lancaster, to give the following described tract of land a "PD" Planned Development-Light Industrial District Zoning Classification. Said tract of land is described in Exhibit "A", attached hereto and made a part hereof for all purposes.

SECTION 2. That the Planned Development District Classification granted herein is granted subject to the following special conditions:

- A. The development of this property shall be subject to the submission of a Detailed Site Plan which shall conform to the data presented and approved on the Conceptual Plan, which is attached hereto as Exhibit "B" and made a part hereof for all purposes. No building or other permit shall be issued until the Detailed Site Plan shall have been approved by the Planning & Zoning Commission and City Council. When such Detailed Site Plan shall have been approved by the City Council,

it shall, by reference, become an exhibit to this ordinance and shall govern the development of said property. The Detailed Site Plan shall be submitted as required by Section 27 of the Comprehensive Zoning Ordinance of the City of Lancaster.

B. The specific uses permitted within this district are NS (Neighborhood Services), R (Retail), CH (Commercial Highway), or LI Zones with the exception of uses described in Section 25.1(11) of the Comprehensive Zoning Ordinance.

C. Section 25.1(11), as pertains to this zoning case, shall read as follows:

"11. Not more than twenty (20) percent of the lot or tract will be used for the open storage of products, materials, or equipment".

D. An appropriate screening plan shall be submitted for review by the Planning & Zoning Commission and City Council at the time a Detailed Site Plan is submitted.

**SECTION 3.** That all ordinances of the City of Lancaster in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other provisions of said ordinance not in conflict shall remain in full force and effect.

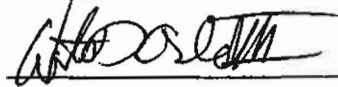
**SECTION 4.** That the above described tract of land shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Lancaster, as heretofore amended, and as amended by the granting of this zoning classification.

**SECTION 5.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Lancaster, Texas, as heretofore amended, and upon conviction in the Municipal Court of the City of Lancaster, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 6.** This ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance, as the law and charter in such cases provide.


**DULY PASSED** by the City council of the City of Lancaster, Texas, on the 19 day of Sept., 1988.

APPROVED:



MAYOR

ATTEST:



CITY SECRETARY



EXHIBIT "A"  
ATTACHMENT TO ORDINANCE NUMBER 26-88

BEING a zoning tract or parcel of land out of the Valentine Wampler Survey, Abstract No. 1546, Town of Lancaster, Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron pin set for the southeast corner of this zoning parcel, said corner being a point in a line that bears S 89°25'E a distance of 895.80 feet from an iron pipe found for corner, said iron pipe being in the east line of U.S. Highway 77 (IH 35-E) and also being the southeast corner of a 4.434 acre tract conveyed to the State of Texas on July 8, 1960, by Condemnation recorded in Volume 65, Page 399, of the minutes of Dallas County Court No. 1;

THENCE N 00°31'W, a distance of 600.0 feet to an iron pin set for the northeast corner of this zoning parcel;

THENCE N 89°25'W a distance of 510 feet for the northwest corner of this zoning parcel;

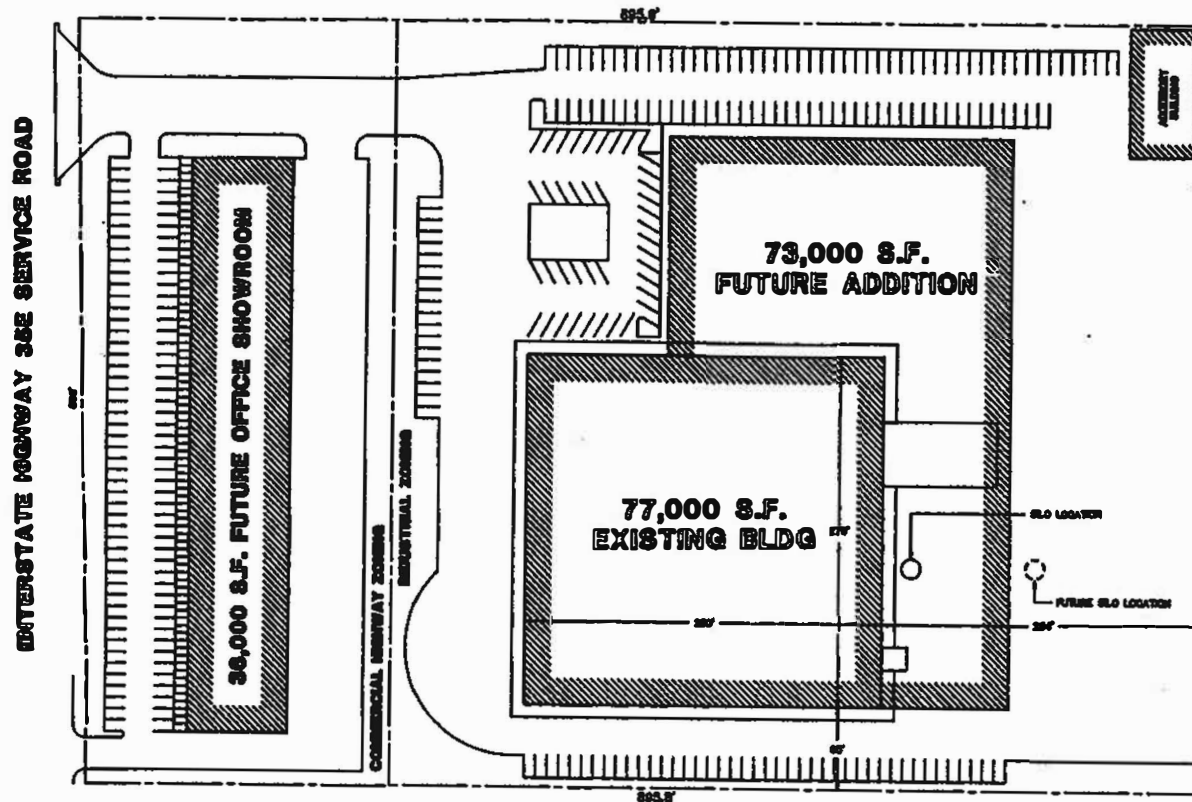
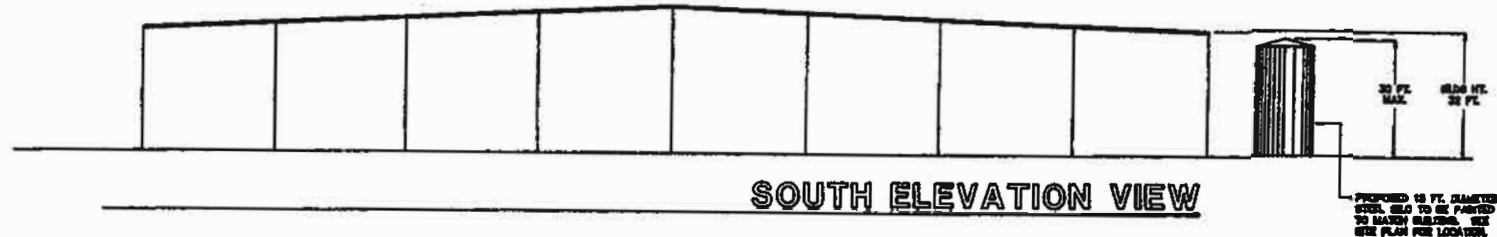
THENCE S 00°31'E a distance of 600.0 feet to a point in a barbed wire fence line for the southwest corner of this zoning parcel;

THENCE S 89°25'E a distance of 510.0 feet to the point of BEGINNING.



OVER →

EXHIBIT "B"  
TO ORDINANCE NO. 26-88



#### NOTES:

1. Future exterior construction shall match existing in material and design on all sides except the front.
2. Future front elevation design to be approved by Planning and Zoning Commission and City Council.
3. Any outside storage allowed by this zoning classification shall comply with all governing codes and ordinances.
4. Both present and future site layouts shall comply with all landscaping, screening, parking, and zoning ordinances of the City of Lancaster.

FINAL PLAT

Attached to ORD. #26-88 for ADD'L info - Approved 2-5-90 Re ZC 88-08

ORDINANCE NO. 26-88

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF LANCASTER, AS HERETOFORE AMENDED, SO AS TO CHANGE THE FOLLOWING DESCRIBED TRACT OF LAND FROM CH (COMMERCIAL HIGHWAY) TO PD-LI (PLANNED DEVELOPMENT-LIGHT INDUSTRIAL) DISTRICT ZONING CLASSIFICATION; SAID TRACT OF LAND BEING DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

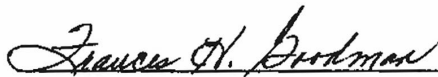
DULY PASSED by the City council of the City of Lancaster, Texas, on the 19 day of Sept., 1988.

APPROVED:

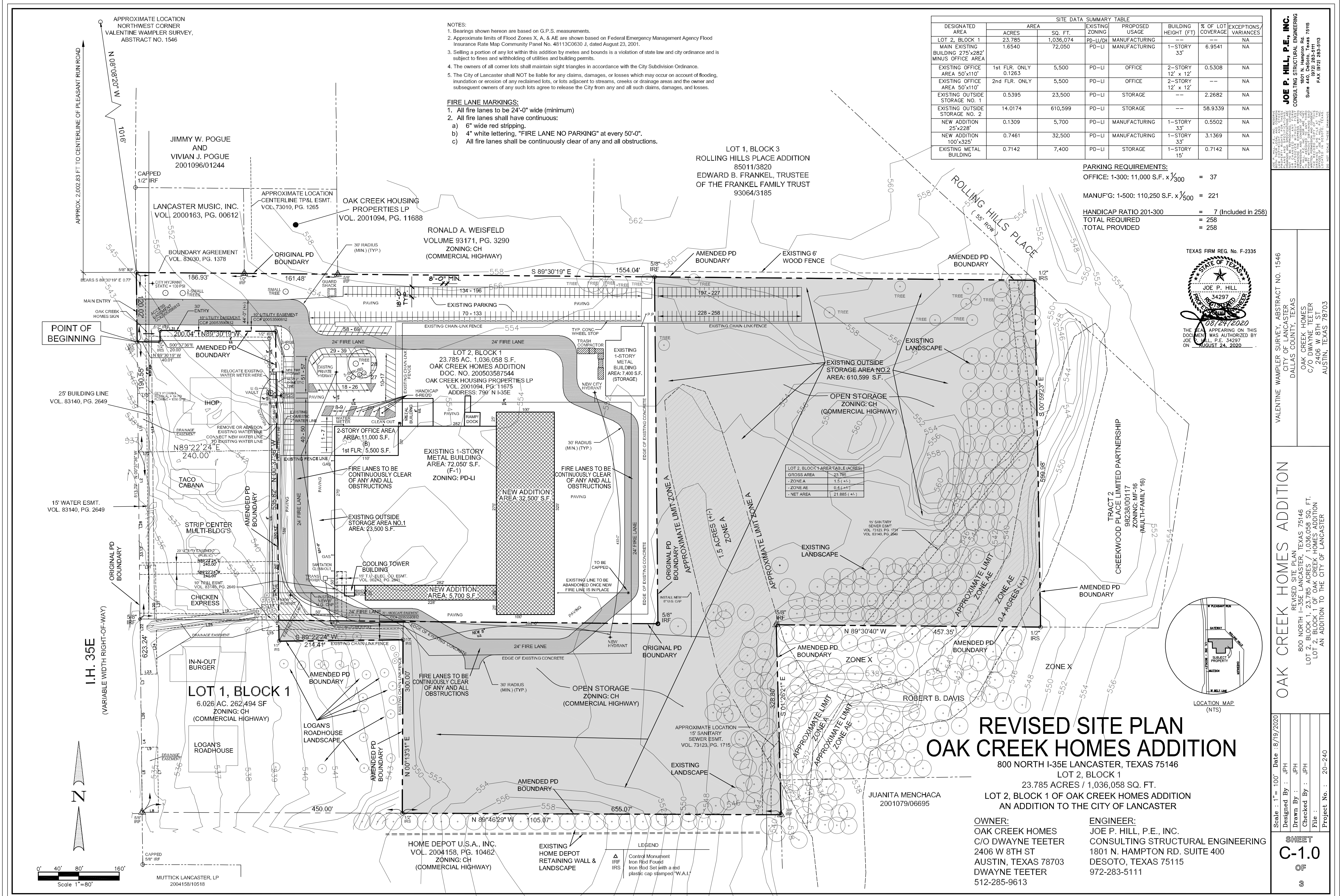


MAYOR

ATTEST:



CITY SECRETARY

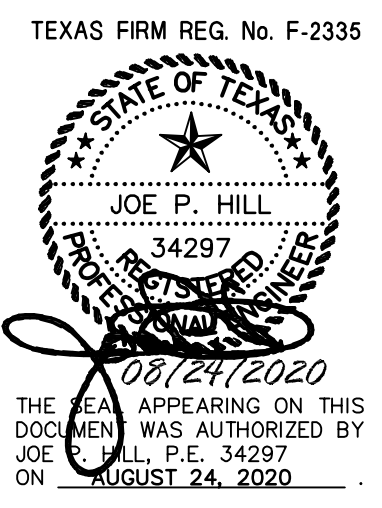


NOTES:  
1. Bearings shown hereon are based on G.P.S. measurements.  
2. Approximate limits of Flood Zones X, A, & AE are shown based on Federal Emergency Management Agency Flood Insurance Rate Map Community Panel No. 48113C0630 J, dated August 23, 2001.  
3. Selling a portion of any lot within this addition by metes and bounds is a violation of state law and city ordinance and is subject to fines and withholding of utilities and building permits.  
4. The owners of all corner lots shall maintain sight triangles in accordance with the City Subdivision Ordinance.  
5. The City of Lancaster shall NOT be liable for any claims, damages, or losses which may occur on account of flooding, inundation or erosion of any reclaimed lots, or lots adjacent to streams, creeks or drainage areas and the owner and subsequent owners of any such lots agree to release the City from any and all such claims, damages, and losses.

**FIRE LANE MARKINGS:**  
1. All fire lanes to be 24'-0" wide (minimum)  
2. All fire lanes shall have continuous:  
a) 6" wide red stripping.  
b) 4" white lettering, "FIRE LANE NO PARKING" at every 50'-0".  
c) All fire lanes shall be continuously clear of any and all obstructions.

DESIGNATED AREA	AREA		EXISTING ZONING	PROPOSED USAGE	BUILDING HEIGHT (FT)	% OF LOT COVERAGE	EXCEPTIONS/VARIANCES
	ACRES	SQ. FT.					
LOT 2, BLOCK 1	23.785	1,036,074	PD-U/CH	MANUFACTURING	1-STORY	6.9541	NA
MAIN EXISTING BUILDING 275'x282' MINUS OFFICE AREA	1.6540	72,050	PD-LI	MANUFACTURING	33'	---	NA
EXISTING OFFICE AREA 50'x110'	0.1263	5,500	PD-LI	OFFICE	2-STORY 12' x 12'	0.5308	NA
EXISTING OFFICE AREA 50'x110'	0.1263	5,500	PD-LI	OFFICE	2-STORY 12' x 12'	---	NA
EXISTING OUTSIDE STORAGE NO. 1	0.5395	23,500	PD-LI	STORAGE	---	2.2682	NA
EXISTING OUTSIDE STORAGE NO. 2	14.0174	610,599	PD-LI	STORAGE	---	58.9339	NA
NEW ADDITION 25'x228'	0.1309	5,700	PD-LI	MANUFACTURING	1-STORY 33'	0.5502	NA
NEW ADDITION 100'x325'	0.7461	32,500	PD-LI	MANUFACTURING	1-STORY 33'	3.1369	NA
EXISTING METAL BUILDING	0.7142	7,400	PD-LI	STORAGE	1-STORY 15'	0.7142	NA

**PARKING REQUIREMENTS:**  
OFFICE: 1-300; 11,000 S.F. x  $\frac{1}{300}$  = 37  
MANUF'G: 1-500; 110,250 S.F. x  $\frac{1}{500}$  = 221  
HANDICAP RATIO 201-300 = 7 (Included in 258)  
TOTAL REQUIRED = 258  
TOTAL PROVIDED = 258



LOT 2, BLOCK 1 - AREA TABLE (ACRES)	
GROSS AREA	23.785
ZONE A	1.5 (+/-)
ZONE AE	0.4 (+/-)
NET AREA	21.885 (+/-)

# REVISED SITE PLAN OAK CREEK HOMES ADDITION

800 NORTH I-35E LANCASTER, TEXAS 75146  
LOT 2, BLOCK 1  
23.785 ACRES / 1,036,058 SQ. FT.  
LOT 2, BLOCK 1 OF OAK CREEK HOMES ADDITION  
AN ADDITION TO THE CITY OF LANCASTER

**OWNER:**  
OAK CREEK HOMES  
C/O DWAYNE TEETER  
2406 W 8TH ST  
AUSTIN, TEXAS 78703  
512-285-9613

**ENGINEER:**  
JOE P. HILL, P.E., INC.  
CONSULTING STRUCTURAL ENGINEERING  
1801 N. HAMPTON RD. SUITE 400  
DESOTO, TEXAS 75115  
972-283-5111

**JOE P. HILL, P.E., INC.**  
CONSULTING STRUCTURAL ENGINEERING  
1801 N. Hampton Rd.  
Suite 400  
Desoto, Texas 75115  
972-283-5111  
FAX 972/283-5113

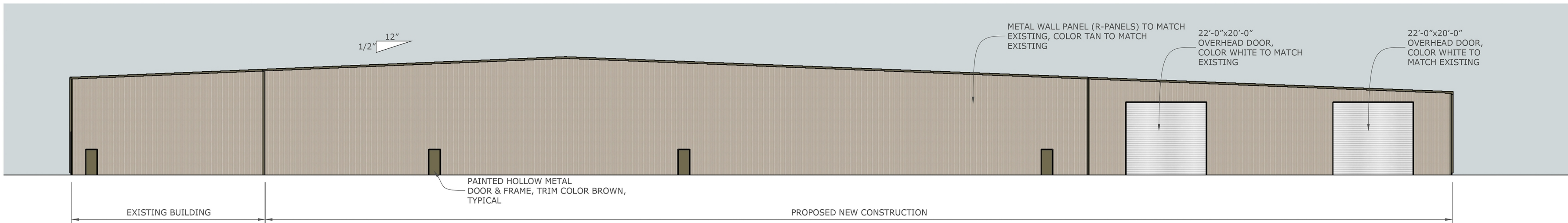
VALENTINE WAMPLER SURVEY, ABSTRACT NO. 1546  
CITY OF LANCASTER  
DALLAS COUNTY, TEXAS  
OAK CREEK HOMES  
C/O DWAYNE TEETER  
2406 W 8TH ST  
AUSTIN, TEXAS 78703

**OAK CREEK HOMES ADDITION**  
REVISED SITE PLAN  
800 NORTH I-35E LANCASTER, TEXAS 75146  
LOT 2, BLOCK 1, 23.785 ACRES / 1,036,058 SQ. FT.  
LOT 2, BLOCK 1 OF OAK CREEK HOMES ADDITION  
AN ADDITION TO THE CITY OF LANCASTER

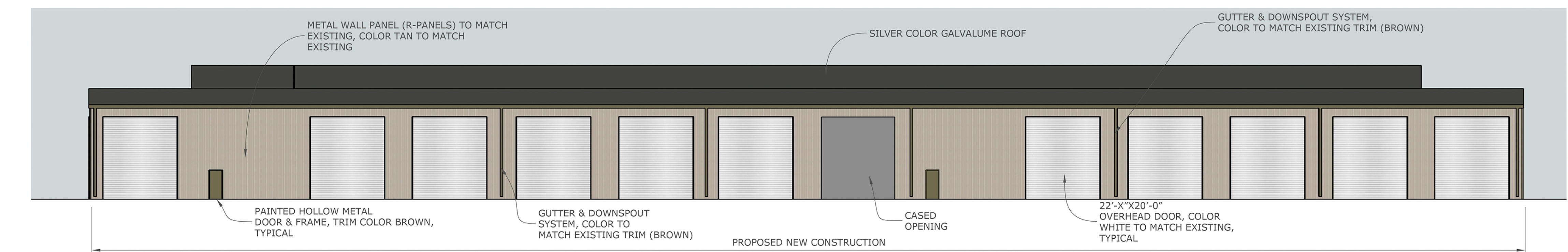
Scale : 1" = 100' Date : 8/19/2020  
Designed By : JPH  
Drawn By : JPH  
Checked By : JPH  
File :  
Project No. : 20-240

**SHEET**  
**C-1.0**  
OF  
3





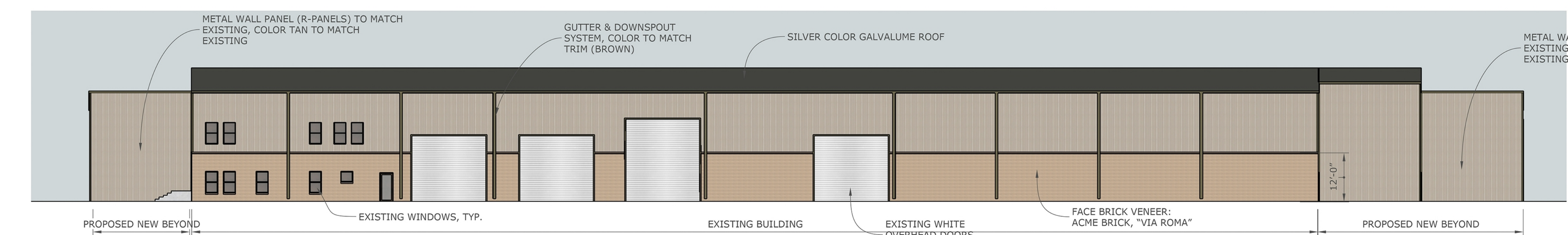
4 SOUTH ELEVATION  
SCALE: 1/16" = 1'-0"



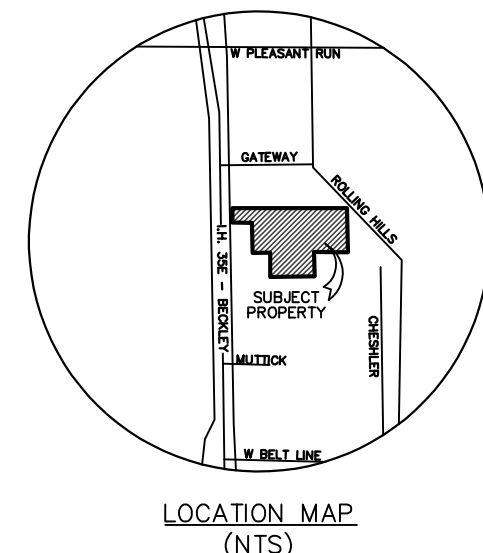
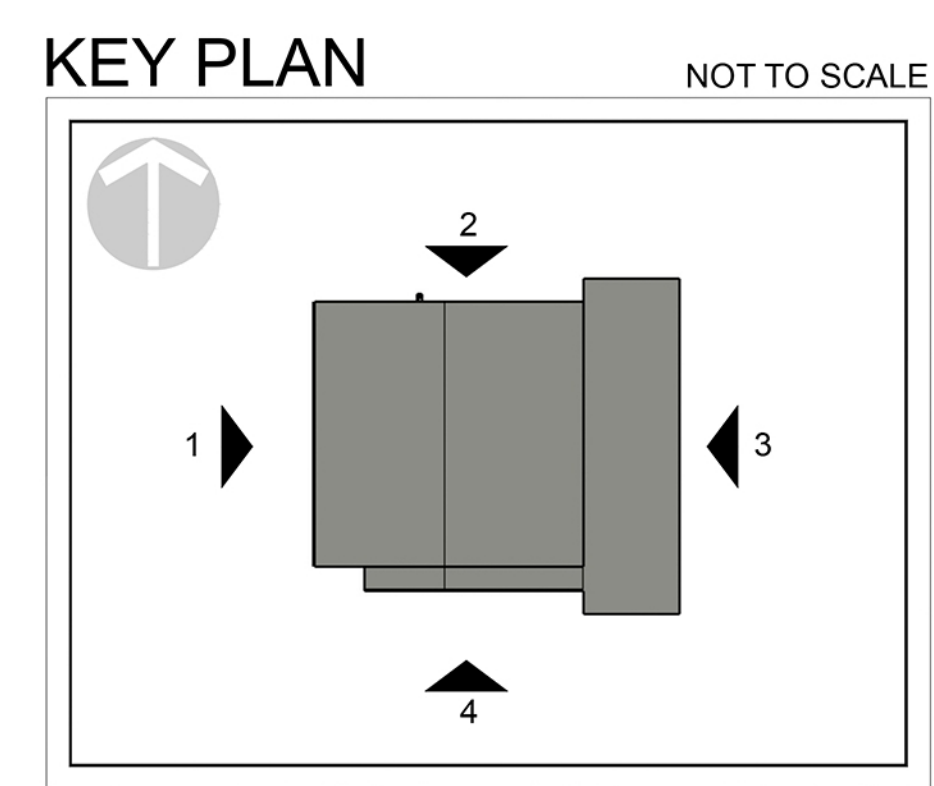
3 EAST ELEVATION  
SCALE: 1/16" = 1'-0"



2 NORTH ELEVATION  
SCALE: 1/16" = 1'-0"



1 WEST ELEVATION  
SCALE: 1/16" = 1'-0"



SUMMARY OF EXTERIOR MATERIALS:	
MASONRY	MODULAR FACE BRICK TO MATCH EXISTING: ACME BRICK, COLOR: VIA ROMA
METAL WALL PANEL	R-PANEL METAL WALL PANELS, COLOR TO MATCH EXISTING: 'SAHARA TAN'
METAL ROOF	GALVALUME METAL ROOF, COLOR: 'BRIGHT SILVER', MATCH EXISTING
GUTTERS & DOWNSPOUTS	ALUMINUM GUTTER & DOWNSPOUTS SYSTEM PREFINISHED, COLOR TO MATCH EXISTING: COCOA BROWN
OVERHEAD DOORS	OVERHEAD STEEL DOORS, MATCH EXISTING, COLOR: STANDARD WHITE

WEST ELEVATION:  
MASONRY: 24% OF TOTAL FACADE



**FACADE / ELEVATION PLAN**  
OAK CREEK HOMES ADDITION  
LOT 2, BLOCK 1  
23.785 ACRES / 1,036,058 SF  
BEIN A REPLAT OF LOTS 1 & 2, BLOCK 1 OF OAK CREEK HOMES ADDITION, AN ADDITION TO THE CITY OF LANCASTER AS RECORDED IN DOCUMENT NO 200503587544

**JOE P. HILL, P.E., INC.**  
CONSULTING STRUCTURAL ENGINEERING  
1801 N. Hampton Rd.  
Cedar Rapids, Iowa 52405  
Phone 319.233.5115  
Fax 319.233.5113

VALENTINE WAMPLER SURVEY, ABSTRACT NO. 1546  
CITY OF LANCASTER  
DALLAS COUNTY, TEXAS  
OAK CREEK HOMES  
C/O DWAYNE TEEFER  
2406 W 8TH ST  
AUSTIN, TEXAS 78703

**OAK CREEK HOMES ADDITION**  
REVISED SITE PLAN  
800 NORTH I-35E LANCASTER, TEXAS 75146  
LOT 2, BLOCK 1, 23.785 ACRES / 1,036,058 SQ. FT.  
LOT 2, BLOCK 1 OF OAK CREEK HOMES ADDITION,  
AN ADDITION TO THE CITY OF LANCASTER

Scale: 1/16" = 1'-0" Date: 8/19/2020  
Designed By: \_\_\_\_\_  
Drawn By: \_\_\_\_\_  
Checked By: \_\_\_\_\_  
File: \_\_\_\_\_  
Project No.: 20-240

**SHEET**  
**A-3.0**  
OF  
3



## Suburban Mixed-Use Center

### Character & Intent

The Suburban Mixed-Use Center will create regional destinations, including entertainment venues, regional oriented retail and lifestyle centers.

### Land Use Considerations

#### Primary Land Uses

Regional retail, urban residential, senior housing, hotels, professional office, restaurants, multi-tenant commercial, live/work/shop units

#### Secondary Land Uses

Civic and institutional uses, parks

### Precedent Photos



## Commercial Corridor

### Character & Intent

The Commercial Corridor focuses on single and multi-tenant commercial developments along major transportation routes in the City. Typically, commercial corridors are adjacent to the Suburban Neighborhood Place Types providing everyday goods and services for residents. Commercial corridors are also automobile oriented and readily accessible by car from nearby neighborhoods.

### Land Use Considerations

#### Primary Land Uses

Retail, restaurants, multi-tenant commercial, junior anchor commercial

#### Secondary Land Uses

Civic and institutional uses, parks

### Precedent Photos



## CITY OF LANCASTER'S BOARDS AND COMMISSIONS

### Planning & Zoning Commission

3.

**Meeting Date:** 09/01/2020

**Policy Statement:** This request supports the City Council 2020-2021 Policy Agenda

**Goal(s):** Healthy, Safe & Engaged Community  
Quality Development

**Submitted by:** Bester Munyaradzi, Senior Planner

---

#### **Agenda Caption:**

Z20-07 Conduct a public hearing and consider a revised Planned Development Site Plan for Planned Development Ordinance No. 26-88 (PD-26-88) on the property addressed as 800 North I-35E. The property is described as Lot 2, Block 1, Oak Creek Homes Addition situated in the Valentine Wampler Survey, Abstract No. 1546, City of Lancaster, Dallas County, Texas.

#### **Background:**

1. **Location and Size:** The property is addressed as 800 North I-35E and is approximately 23.785 acres.
2. **Current Zoning:** The property is currently zoned Planned Development - Light Industrial (PD-LI).
3. **Adjacent Properties:**  
North: Commercial Highway (Vacant)  
South: Commercial Highway (Home Depot)  
East: Commercial Highway (Outside Storage)  
South: Commercial Highway (Outside Storage)
4. **Comprehensive Plan Compatibility:** The Future Land Use plan of the Comprehensive Plan identifies this site as suitable for Suburban Mixed Use Center. This request is not consistent with the Future Land Use Plan of the 2016 Comprehensive Plan.

5. **Case History/Background:**

Date	Body	Action
09/19/1988	CC	PD Ordinance No. 26-88 Approved Zoning

#### **Operational Considerations:**

In 1988, a PD-LI ordinance was approved to allow uses permitted within the Neighborhood Services District (NS), the Retail District (R), Commercial Highway District (CH), and Light Industrial District (LI). The applicant has been continuously operating a manufacturing company for manufactured homes and has increased the size of the building in order to accommodate an increased workforce of 250 employees. The applicant added a 32,500 square feet addition to the east and a 5,700 square feet addition to the south of the existing building in order to accommodate the increased number of their employees. This addition totals to 38,200 square feet. These additions were performed without a permit in August 2019. The size of the overall building has increased from 77,550 square feet to 121,250 square feet. Any life safety issues have been corrected and observed by the Building Official



and Fire Marshal.

Additionally, the applicant is requesting to expand the boundary of the PD by adding two (2) unimproved pieces of the property to the south and east of the site for outside temporary storage of the manufactured homes awaiting shipment. According to aerials from 2011, these areas have been used for outside storage for at least nine (9) years without prior approval. Before a permit can be issued for outside storage, this requested revised site plan must first be approved by the City Council.

The adopted PD-LI ordinance allows for a building of up to 150,000 square feet. The ordinance also restricts the amount of outside storage of products, materials, or equipment to no more than 20 percent of the lot or tract. The applicant's expansion of the building to a total of 121,250 square feet is in compliance with the PD-LI as the square footage is under the maximum square footage allowed for this site. The applicant's request to expand the boundary of the PD to use the unimproved land on the east and south sides of the site for storage, is not in compliance with the PD which limits the amount of outside storage to no more than 20 percent of the approved boundary of the lot or tract.

Section 14.402 *Use Standards: Outside Storage*, of the Lancaster Development Code (LDC) also prohibits outside storage, it states that, "No outside storage shall be allowed in any zoning district adjacent to IH-35 or IH-20".

**Consistency with the Comprehensive Plan:** The City's Future Land Use Plan of the Comprehensive Plan identifies this site as suitable for Suburban Mixed-Use Center uses. This land use designation is envisioned to create regional destinations, including entertainment venues, regional oriented retail and lifestyle centers. Primary use include regional retail, urban residential, senior housing, hotels, professional office, restaurants, multi-tenant commercial, and live/work/shop units. The request to expand the boundary of the PD for the purpose of outdoor storage of manufactured homes is not consistent with the Future Land Use Plan of the 2016 Comprehensive Plan.

**Potential Impact on Adjacent Development:** This property is surrounded by Home Depot on the south, an apartment complex on the east and north, and a vacant piece of property on the north. The proposed increase in outside storage has the potential to deter the envisioned uses for Suburban Mixed-Use Center uses on the vacant property to the north of the subject site.

**Availability of utilities and access:** The subject property is served by City of Lancaster sewer and water. Access to the property is from I-35E service road.

**Site conditions such as vegetation, topography, flood plain:** The site is currently developed with a manufactured home company.

Based upon review criteria, the proposed addition to the existing building would be appropriate as it complies with the requirements of the ordinance. The request to extend the PD site boundary for outdoor storage is not in compliance with the Future Land Use Plan of the 2016 Comprehensive Plan, the original ordinance that restricts the amount of allowed outside storage to 20% and the LDC Section 14.402 noted above.

#### **Legal Considerations:**

This item is being considered at a Regular Meeting of the Planning and Zoning Commission noticed in accordance with the Texas Open Meetings Act.

#### **Public Information Considerations:**

In accordance with the Texas Local Government Code, adjacent property owners must be noticed 15 days before the public hearing. On August 16th, a notice for this public hearing appeared in the Focus Daily Newspaper. Staff mailed 11 notifications of this public hearing to property owners within 200 feet of the subject site. There were no letters received in support or opposition of this request.

**Options/Alternatives:**

1. The Planning and Zoning Commission may recommend approval of the requested amendments, as presented.
2. The Planning and Zoning Commission may recommend denial of the zoning change requests with changes and state those changes.
3. The Planning and Zoning Commission may recommend denial of the requests.

**Recommendation:**

Staff recommends approval of the 38,200 square feet addition to the existing building. Staff recommends denial of the request to increase the boundary of the PD in order to provide outdoor storage.

**Attachments**

Location Map

Original Ordinance 26-88

Site Plan

Elevations

Comprehensive Plan Excerpt

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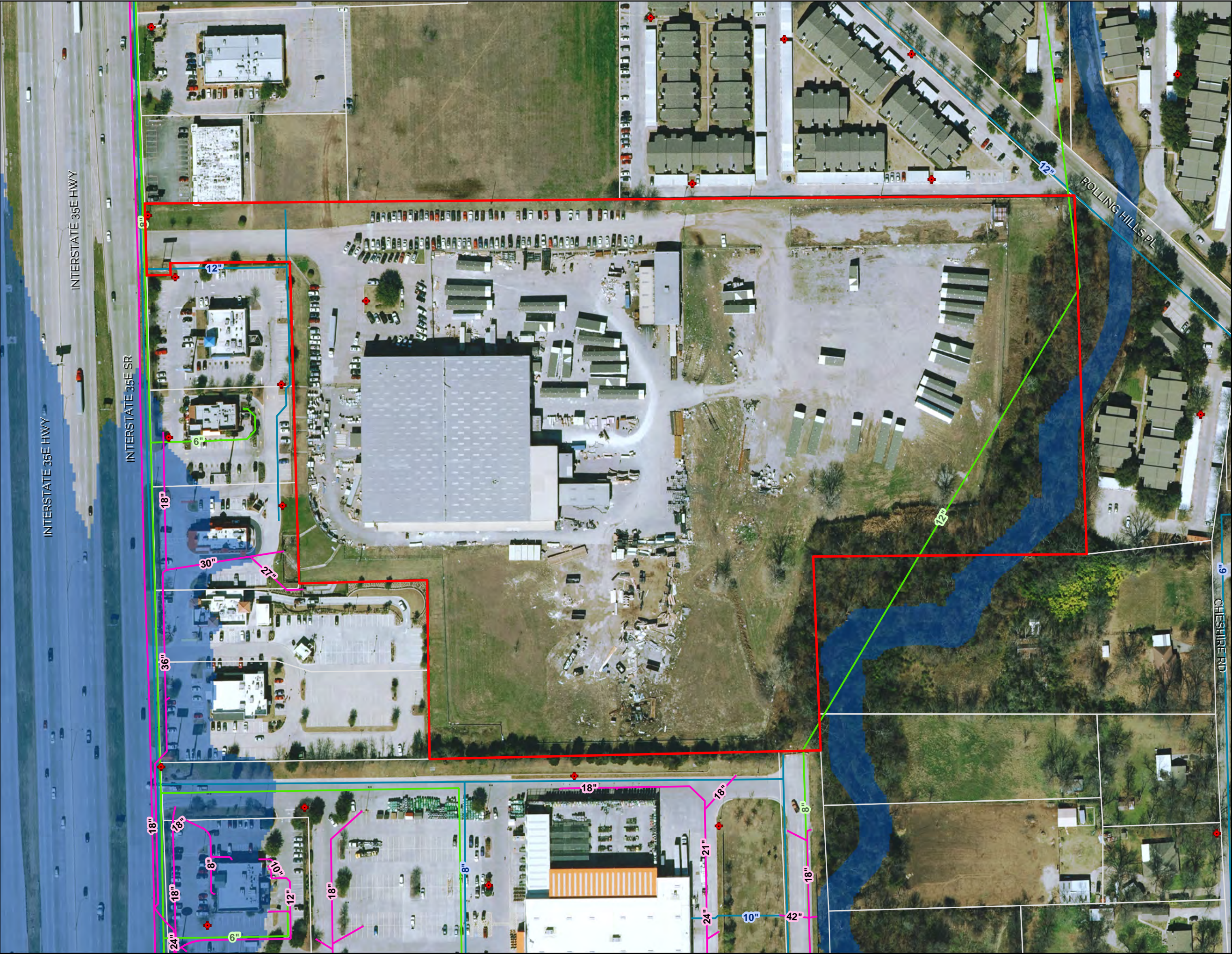
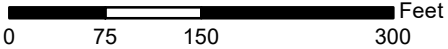




City of Lancaster  
800 N I-35E  
Zoned: CH & PD

**DISCLAIMER / LIMITATION OF LIABILITY**  
The information on this map is provided by the City of Lancaster as a public service. We are continually updating the data in an attempt to provide the most accurate information possible. Such information is intended for reference only. It is the responsibility of the user to confirm all information. The City of Lancaster does not guarantee the accuracy of the information, data or maps. All information is provided "As-Is" without warranty of any kind.

- Fire Hydrants
- Storm Sewer Lines
- Sewer Lines
- Water Lines
- Parcels
- FEMA 100yr Floodplain





ORDINANCE NO. 26-88 PD 322

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF LANCASTER, AS HERETOFORE AMENDED, SO AS TO CHANGE THE FOLLOWING DESCRIBED TRACT OF LAND FROM CH (COMMERCIAL HIGHWAY) TO PD-LI (PLANNED DEVELOPMENT-LIGHT INDUSTRIAL) DISTRICT ZONING CLASSIFICATION; SAID TRACT OF LAND BEING DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LANCASTER, TEXAS:

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it shall, by reference, become an exhibit to this ordinance and shall govern the development of said property. The Detailed Site Plan shall be submitted as required by Section 27 of the Comprehensive Zoning Ordinance of the City of Lancaster.

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- C. Section 25.1(11), as pertains to this zoning case, shall read as follows:

"11. Not more than twenty (20) percent of the lot or tract will be used for the open storage of products, materials, or equipment".
- D. An appropriate screening plan shall be submitted for review by the Planning & Zoning Commission and City Council at the time a Detailed Site Plan is submitted.

**SECTION 3.** That all ordinances of the City of Lancaster in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other provisions of said ordinance not in conflict shall remain in full force and effect.

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**SECTION 5.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Lancaster, Texas, as heretofore amended, and upon conviction in the Municipal Court of the City of Lancaster, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 6.** This ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance, as the law and charter in such cases provide.

**DULY PASSED** by the City council of the City of Lancaster, Texas, on the 19 day of Sept., 1988.

APPROVED:



MAYOR

ATTEST:

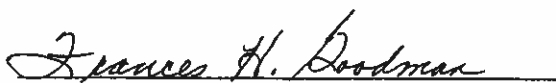
  
CITY SECRETARY

EXHIBIT "A"  
ATTACHMENT TO ORDINANCE NUMBER 26-88

BEING a zoning tract or parcel of land out of the Valentine Wampler Survey, Abstract No. 1546, Town of Lancaster, Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron pin set for the southeast corner of this zoning parcel, said corner being a point in a line that bears S 89°25'E a distance of 895.80 feet from an iron pipe found for corner, said iron pipe being in the east line of U.S. Highway 77 (IH 35-E) and also being the southeast corner of a 4.434 acre tract conveyed to the State of Texas on July 8, 1960, by Condemnation recorded in Volume 65, Page 399, of the minutes of Dallas County Court No. 1;

THENCE N 00°31'W, a distance of 600.0 feet to an iron pin set for the northeast corner of this zoning parcel;

THENCE N 89°25'W a distance of 510 feet for the northwest corner of this zoning parcel;

THENCE S 00°31'E a distance of 600.0 feet to a point in a barbed wire fence line for the southwest corner of this zoning parcel;

THENCE S 89°25'E a distance of 510.0 feet to the point of BEGINNING.

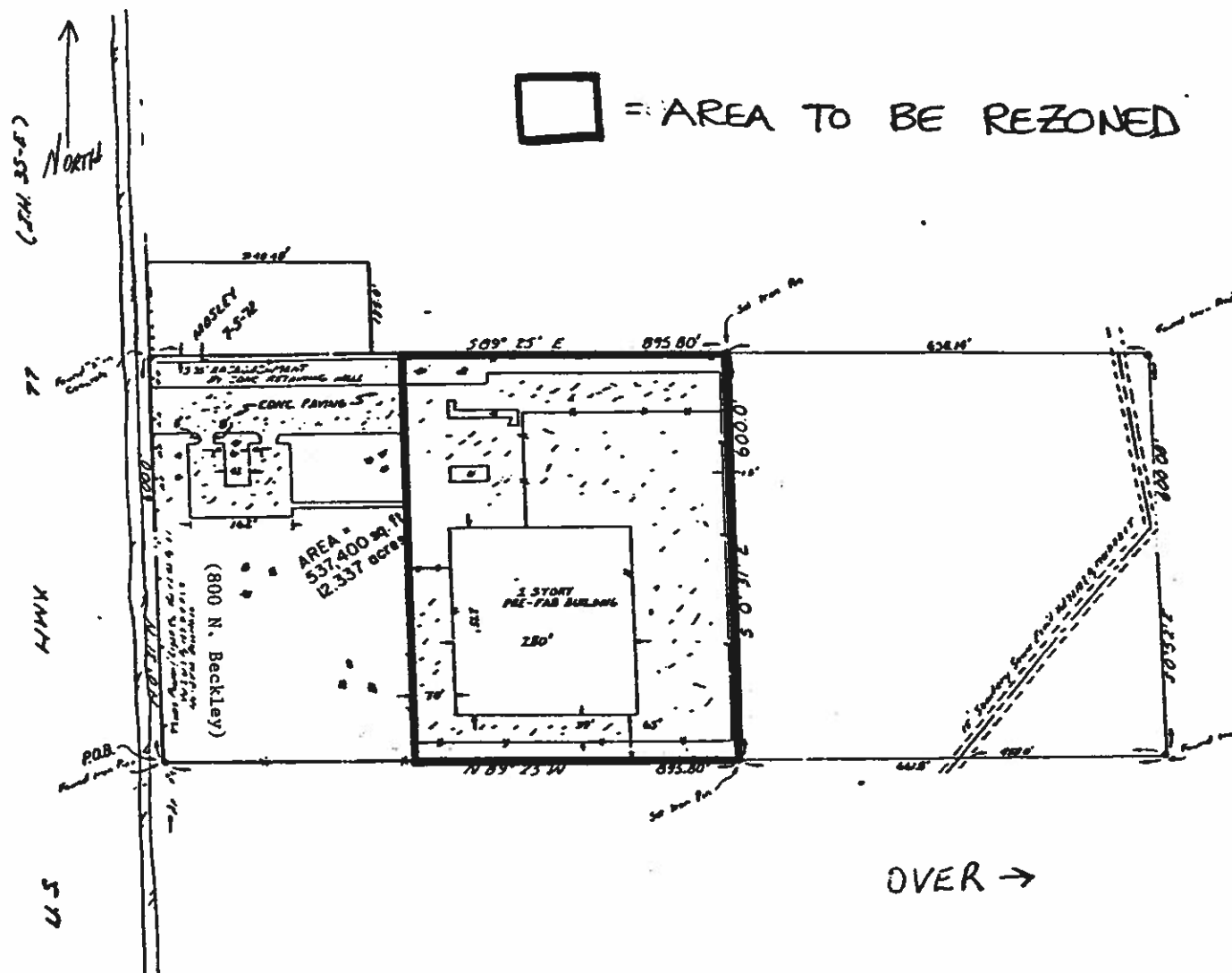
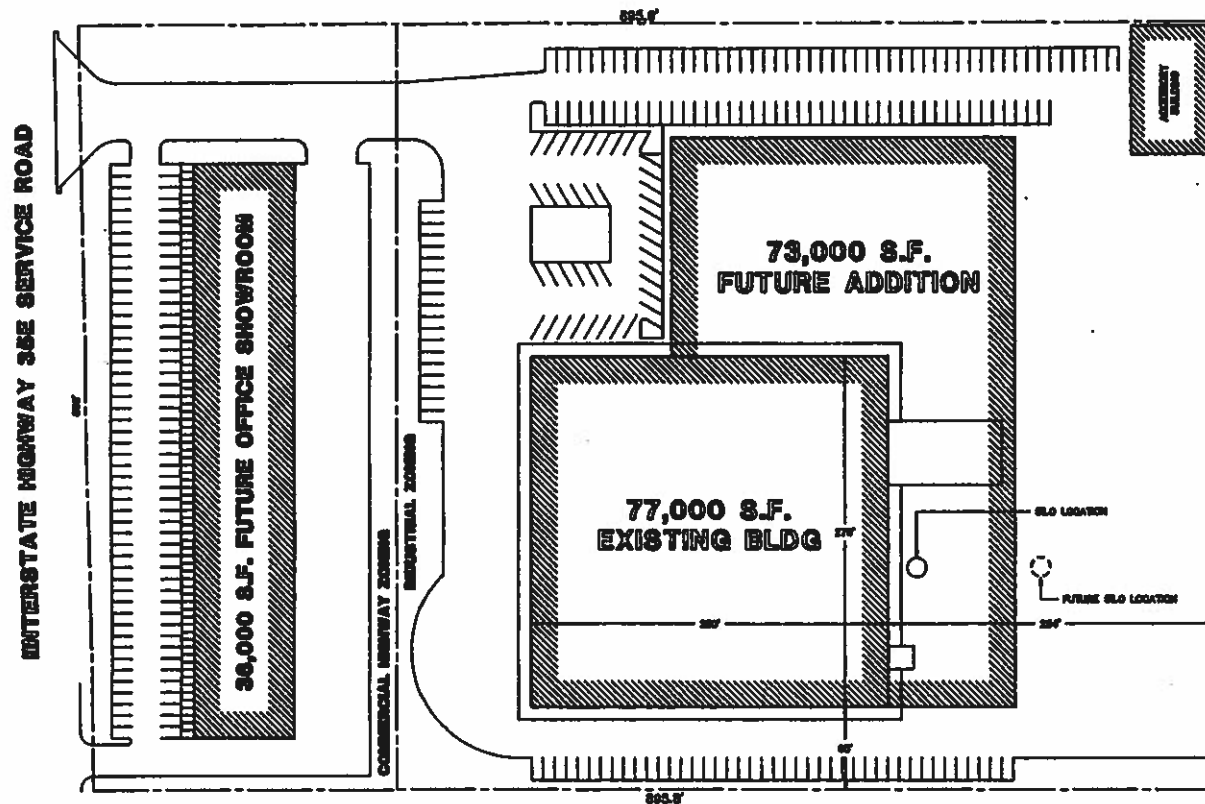
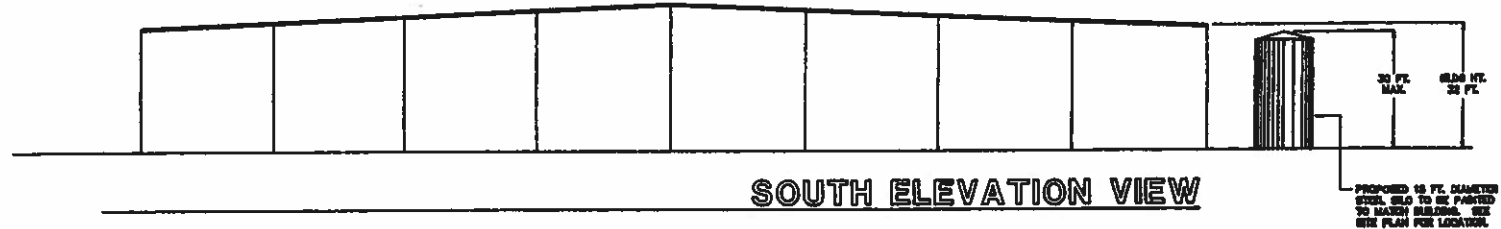


EXHIBIT "B"  
TO ORIGINANCE NO. 26-88



#### NOTES:

1. Future exterior construction shall match existing in material and design on all sides except the front.
2. Future front elevation design to be approved by Planning and Zoning Commission and City Council.
3. Any outside storage allowed by this zoning classification shall comply with all governing codes and ordinances.
4. Both present and future site layouts shall comply with all landscaping, screening, parking, and zoning ordinances of the City of Lancaster.

FINAL PLAT

Attached to ORD. #26-88 for Add'l info - Approved 2-5-90 Re ZC 88-08




ORDINANCE NO. 26-88

AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF LANCASTER, AS HERETOFORE AMENDED, SO AS TO CHANGE THE FOLLOWING DESCRIBED TRACT OF LAND FROM CH (COMMERCIAL HIGHWAY) TO PD-LI (PLANNED DEVELOPMENT-LIGHT INDUSTRIAL) DISTRICT ZONING CLASSIFICATION; SAID TRACT OF LAND BEING DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

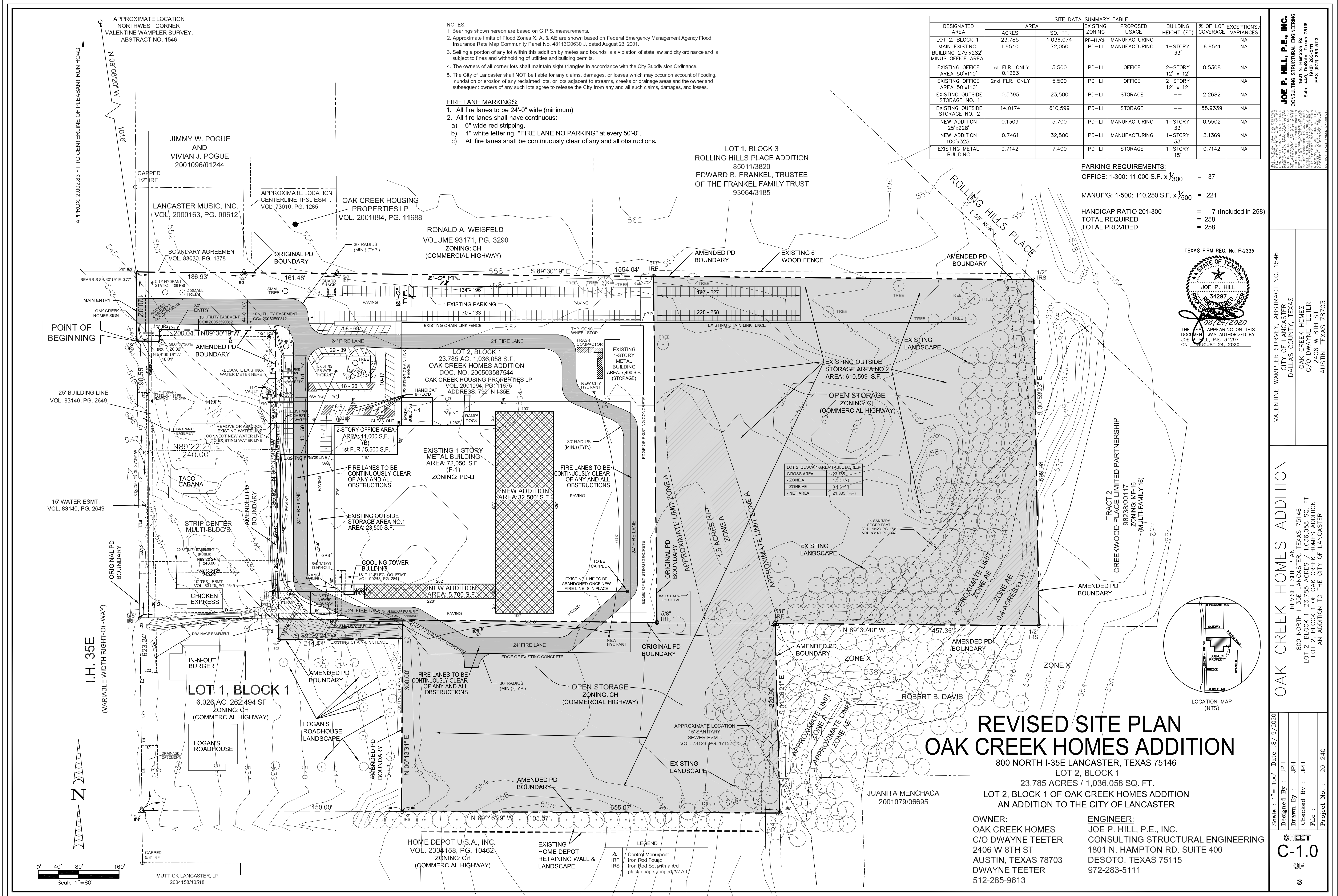
DULY PASSED by the City council of the City of Lancaster, Texas, on the 19 day of Sept., 1988.

APPROVED:

  
\_\_\_\_\_  
MAYOR

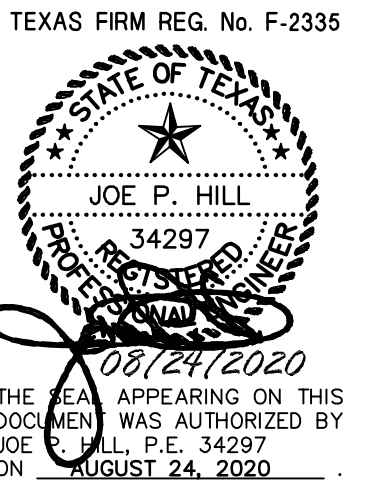
ATTEST:

  
\_\_\_\_\_  
CITY SECRETARY



DESIGNATED AREA	SITE DATA SUMMARY TABLE				BUILDING HEIGHT (FT)	% OF LOT COVERAGE	EXCEPTIONS/VARIANCES
	ACRES	SQ. FT.	EXISTING ZONING	PROPOSED USAGE			
LOT 2, BLOCK 1 MAIN EXISTING BUILDING 275'x282' MINUS OFFICE AREA	23.785	1,036,074	PD-U/CH	MANUFACTURING	1-STORY 33'	6.9541	NA
EXISTING OFFICE AREA 50'x110'	0.1263	5,500	PD-LI	OFFICE	2-STORY 12' x 12'	0.5308	NA
EXISTING OFFICE AREA 50'x110'	0.1263	5,500	PD-LI	OFFICE	2-STORY 12' x 12'	---	NA
EXISTING OUTSIDE STORAGE NO. 1	0.5395	23,500	PD-LI	STORAGE	---	2.2682	NA
EXISTING OUTSIDE STORAGE NO. 2	14.0174	610,599	PD-LI	STORAGE	---	58.9339	NA
NEW ADDITION 25'x228'	0.1309	5,700	PD-LI	MANUFACTURING	1-STORY 33'	0.5502	NA
NEW ADDITION 100'x325'	0.7461	32,500	PD-LI	MANUFACTURING	1-STORY 33'	3.1369	NA
EXISTING METAL BUILDING	0.7142	7,400	PD-LI	STORAGE	1-STORY 15'	0.7142	NA

PARKING REQUIREMENTS:  
OFFICE: 1-300; 11,000 S.F. x  $\frac{1}{300}$  = 37  
MANUF'G: 1-500; 110,250 S.F. x  $\frac{1}{500}$  = 221  
HANDICAP RATIO 201-300 = 7 (Included in 258)  
TOTAL REQUIRED = 258  
TOTAL PROVIDED = 258



JOE P. HILL, P.E., INC.  
CONSULTING STRUCTURAL ENGINEERING  
1801 N. Hampton Rd.  
Suite 440  
Desoto, Texas 75115  
Phone 972-283-5111  
Fax 972-283-5113

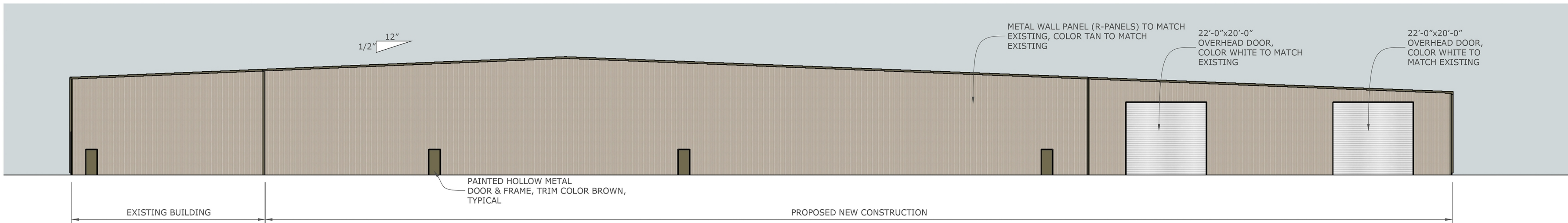
VALENTINE WAMPLER SURVEY, ABSTRACT NO. 1546  
CITY OF LANCASTER  
DALLAS COUNTY, TEXAS  
OAK CREEK HOMES  
C/O DWAYNE TEETER  
2406 W 8TH ST  
AUSTIN, TEXAS 78703

OAK CREEK HOMES ADDITION  
REVISED SITE PLAN  
800 NORTH I-35E LANCASTER, TEXAS 75146  
LOT 2, BLOCK 1, 23.785 ACRES / 1,036,058 SQ. FT.  
LOT 2, BLOCK 1 OF OAK CREEK HOMES ADDITION  
AN ADDITION TO THE CITY OF LANCASTER

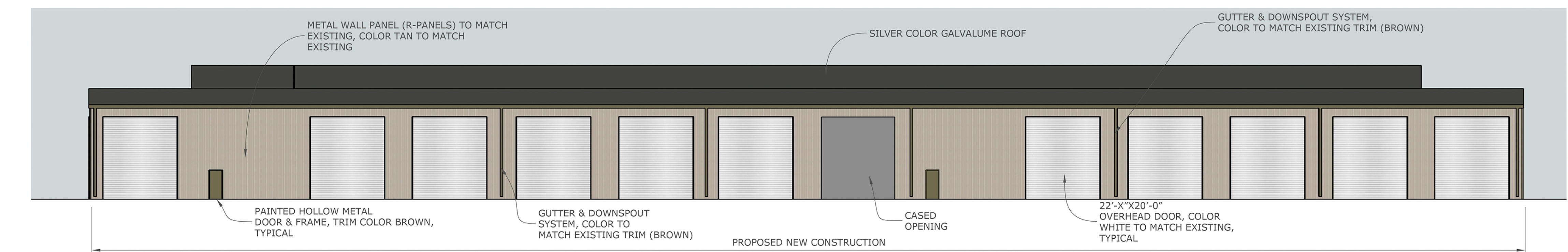
Scale : 1" = 100' Date : 8/19/2020  
Designed By : JPH  
Drawn By : JPH  
Checked By : JPH  
File :  
Project No. : 20-240

SHEET  
C-1.0  
OF  
3





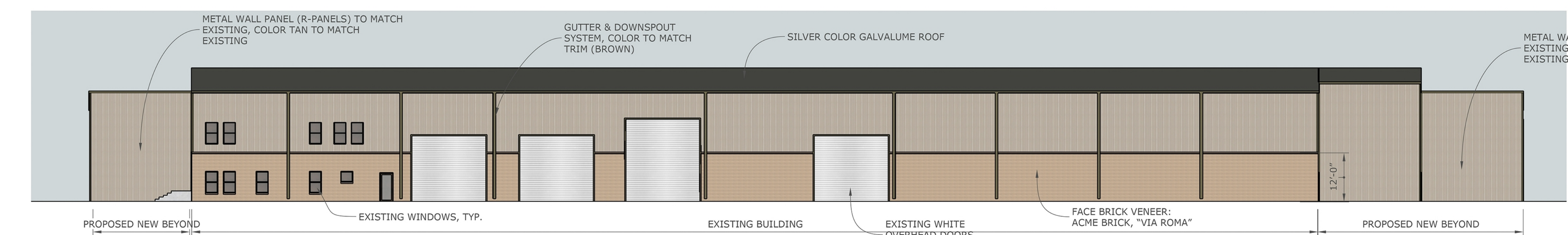
4 SOUTH ELEVATION  
SCALE: 1/16" = 1'-0"



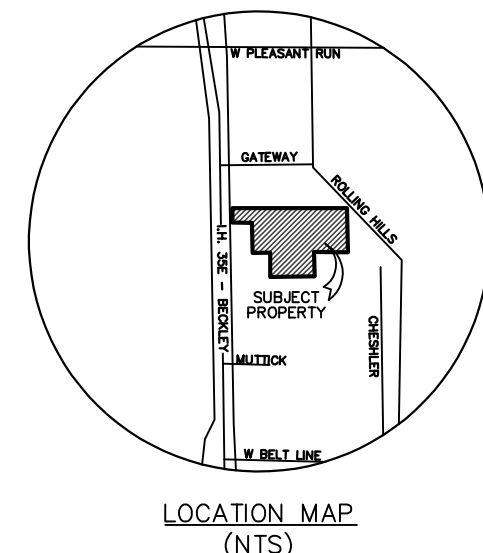
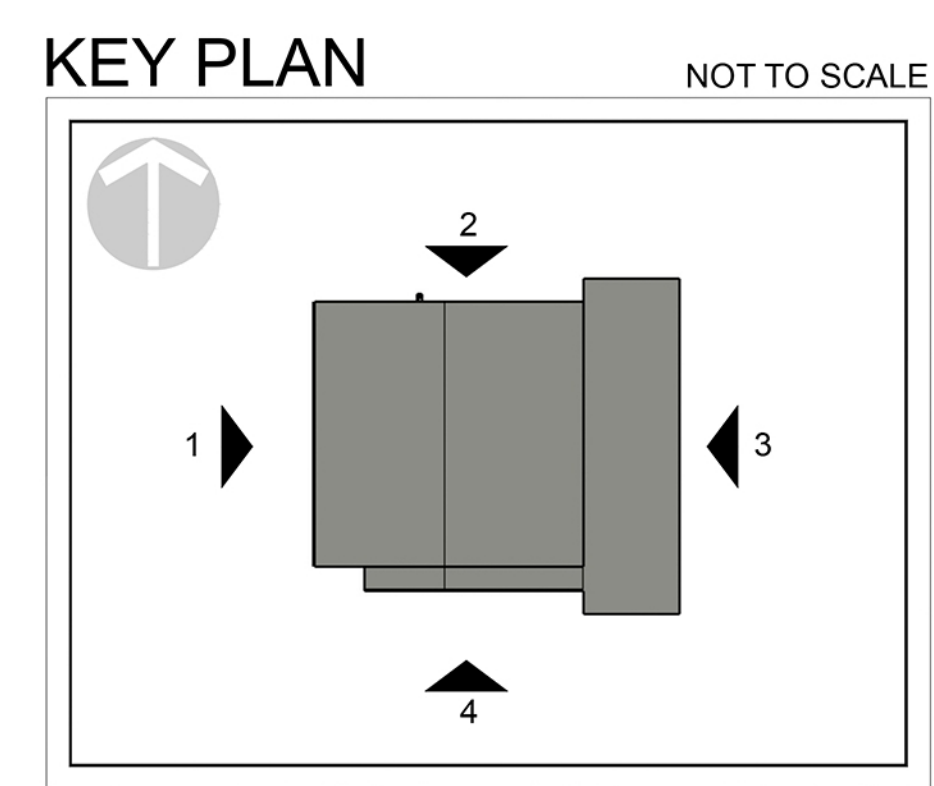
3 EAST ELEVATION  
SCALE: 1/16" = 1'-0"



2 NORTH ELEVATION  
SCALE: 1/16" = 1'-0"



1 WEST ELEVATION  
SCALE: 1/16" = 1'-0"



SUMMARY OF EXTERIOR MATERIALS:	
MASONRY	MODULAR FACE BRICK TO MATCH EXISTING: ACME BRICK, COLOR: VIA ROMA
METAL WALL PANEL	R-PANEL METAL WALL PANELS, COLOR TO MATCH EXISTING: 'SAHARA TAN'
METAL ROOF	GALVALUME METAL ROOF, COLOR: 'BRIGHT SILVER', MATCH EXISTING
GUTTERS & DOWNSPOUTS	ALUMINUM GUTTER & DOWNSPOUTS SYSTEM PREFINISHED, COLOR TO MATCH EXISTING: COCOA BROWN
OVERHEAD DOORS	OVERHEAD STEEL DOORS, MATCH EXISTING, COLOR: STANDARD WHITE

WEST ELEVATION:  
MASONRY: 24% OF TOTAL FACADE



**FACADE / ELEVATION PLAN**  
OAK CREEK HOMES ADDITION  
LOT 2, BLOCK 1  
23.785 ACRES / 1,036,058 SF  
BEIN A REPLAT OF LOTS 1 & 2, BLOCK 1 OF OAK CREEK HOMES ADDITION, AN ADDITION TO THE CITY OF LANCASTER AS RECORDED IN DOCUMENT NO 200503587544

**JOE P. HILL, P.E., INC.**  
CONSULTING STRUCTURAL ENGINEERING  
1801 N. Hampton Rd.  
Cedar Rapids, Iowa 52405  
Phone 319.233.5115  
Fax 319.233.5113

VALENTINE WAMPLER SURVEY, ABSTRACT NO. 1546  
CITY OF LANCASTER  
DALLAS COUNTY, TEXAS  
OAK CREEK HOMES  
C/O DWAYNE TEEFER  
2406 W 8TH ST  
AUSTIN, TEXAS 78703

**OAK CREEK HOMES ADDITION**  
REVISED SITE PLAN  
800 NORTH I-35E LANCASTER, TEXAS 75146  
LOT 2, BLOCK 1, 23.785 ACRES / 1,036,058 SQ. FT.  
LOT 2, BLOCK 1 OF OAK CREEK HOMES ADDITION,  
AN ADDITION TO THE CITY OF LANCASTER

Scale: 1/16" = 1'-0" Date: 8/19/2020  
Designed By: \_\_\_\_\_  
Drawn By: \_\_\_\_\_  
Checked By: \_\_\_\_\_  
File: \_\_\_\_\_  
Project No.: 20-240

**SHEET**  
**A-3.0**  
OF  
3



## Suburban Mixed-Use Center

### Character & Intent

The Suburban Mixed-Use Center will create regional destinations, including entertainment venues, regional oriented retail and lifestyle centers.

### Land Use Considerations

#### Primary Land Uses

Regional retail, urban residential, senior housing, hotels, professional office, restaurants, multi-tenant commercial, live/work/shop units

#### Secondary Land Uses

Civic and institutional uses, parks

### Precedent Photos



## Commercial Corridor

### Character & Intent

The Commercial Corridor focuses on single and multi-tenant commercial developments along major transportation routes in the City. Typically, commercial corridors are adjacent to the Suburban Neighborhood Place Types providing everyday goods and services for residents. Commercial corridors are also automobile oriented and readily accessible by car from nearby neighborhoods.

### Land Use Considerations

#### Primary Land Uses

Retail, restaurants, multi-tenant commercial, junior anchor commercial

#### Secondary Land Uses

Civic and institutional uses, parks

### Precedent Photos



## **MINUTES**

### **PLANNING & ZONING COMMISSION REGULAR MEETING OF SEPTEMBER 1, 2020**

**The Planning and Zoning Commission of the City of Lancaster, Texas, met in a Regular Session in the Council Chambers of City Hall on September 1, 2020 at 7:15 p.m. with a quorum present to-wit:**

#### **Commissioners Present:**

Isabel Aguilar, Chair  
Temika Whitfield, Vice Chair  
Lawrence Prothro  
Taryn Walker

#### **Commissioners Absent:**

Angela Murphy  
Ernest Casey

#### **City Staff:**

Vicki Coleman, Director of Development Services  
Bester Munyaradzi, Senior Planner  
Emma Chetuya, Planner  
Alexandra Schrader, Planning Technician

#### **Call to order:**

Chair Aguilar called the meeting to order at 7:15 p.m. on September 1, 2020.

#### **Public Testimony:**

At this time citizens who have pre-registered before the call to order will be allowed to speak on consent or action items on the agenda, with the exception of public hearings, for a length of time not to exceed three minutes. Anyone desiring to speak on an item scheduled for a public hearing is requested to hold their comments until the public hearing on that item.

Jana Martin, 543 Wilson, spoke in support of item 7.

#### **CONSENT AGENDA:**

Chair Aguilar read the consent agenda.

1. **Consider approval of minutes from the Planning and Zoning Commission Regular meeting held on August 4, 2020.**
2. **PS20-13 Consider approval of a final plat for Midpoint Logistics Center 2, Block 1, being 52.254 acres of land located on the west side of Midpoint Drive. The property is addressed as 3501 Midpoint Drive and more particularly described as a tract of land situated in the Smith Elkins Survey Abstract No. 430, City of Lancaster, Dallas County, Texas.**

**MOTION:** Commissioner Prothro made a motion, seconded by Vice Chair Whitfield to approve the consent agenda. The vote was cast 4 for, 0 against. [Murphy and Casey absent]

**PUBLIC HEARING:**

3. **Z20-07 Conduct a public hearing and consider a revised Planned Development Site Plan for Planned Development Ordinance No. 26-88 (PD-26-88) on the property addressed as 800 North I-35E. The property is described as Lot 2, Block 1, Oak Creek Homes Addition situated in the Valentine Wampler Survey, Abstract No. 1546, City of Lancaster, Dallas County, Texas.**

Planner Chetuya gave the staff report and stated that in 1988, a Planned Development ordinance was approved to allow uses within the Neighborhood Services District, Retail District, Commercial Highway District and Light Industrial District. The applicant has been continuously operating a manufacturing company for manufactured homes and has increased the size of the building in order to accommodate an increased workforce of 250 employees. The applicant added a 32,500 square feet addition to the east and 5,700 square feet addition to the south of the property. This addition totals to 38,200 square feet. These additions were performed without a permit in August 2019.

The applicant is also requesting to expand the boundary of the PD by adding two unimproved pieces of property to the south and east of the site for temporary storage of the manufactured homes awaiting shipment. According to aerials from 2011, these areas have been used for outside storage for at least 9 years.

The adopted Planned Development allows for a building up to 150,000 square feet. The ordinance also restricts the amount of outside storage of products, materials, or equipment to no more than 20 percent of the lot or tract. The applicant's expansion of the building to a total of 121,250 square feet is in compliance with the Planned Development ordinance. The applicant's request to expand the boundary of the PD to use the unimproved land on the east and south sides of the site for storage is not in compliance with the PD which limits the amount of storage to no more than 20 percent of the approved boundary of the PD. The Lancaster Development Code also prohibits outside storage for any zoning district adjacent to I-35. Staff recommends approval of the 38,200 square feet addition to the existing building. Staff recommends denial of the request to increase the boundary of the PD in order to provide outside storage for the manufactured homes.

Commissioner Walker asked staff what percentage of the property the applicant was requesting to use for storage. Planner Chetuya stated that the proposed percentage was 58%.

Vice Chair Whitfield asked how long the applicant had been using the areas for outdoor storage. Planner Chetuya stated that they had used that space at least since 2011.

Chair Aguilar stated that the applicant built the additions without City knowledge. Planner Chetuya confirmed that the addition was completed in August 2019 and the applicant applied for a permit, but the permit was not issued and inspections were never performed.

Senior Planner Munyaradzi clarified that staff recommended approval of the expansion because the recently completed expansion falls under the approved square footage from 1988. She stated that staff recommended denial of the PD expansion for outside storage because of the PD's outside storage limitation and the City's Loop 9 and I-35E studies.

Chair Aguilar opened the public hearing.

Dwayne Teeter, 800 N I-35E, gave a presentation in support of item 3.

Chair Aguilar asked staff if the proposed storage areas were included in the Lancaster Development Code stipulation that no outdoor storage is permitted in zoning districts adjacent to I-35E. Planner Chetuya confirmed that a portion of the zoning district touches I-35E.

Commissioner Prothro asked what percentage of outdoor storage the proposed eastern storage area would be. Joe Hill, 1801 N Hampton Road, Desoto, Texas, stated that both the eastern and southern storage areas were approximately 610,599 square feet and 58% of the total lot. He stated that the eastern area is around 350,000 square feet but that includes areas that would not be used for storage.

Vice Chair Whitfield stated that storage on site is supposed to be short term but the applicant mentioned that FEMA projects may require longer term storage. Mr. Teeter confirmed.

Commissioner Walker asked how often they work on FEMA projects. Mr. Teeter responded that they only work with FEMA when there are disasters like hurricanes.

Commissioner Walker asked how often the overflow needs to be used for FEMA projects. Mr. Teeter responded that the storage area is only used for FEMA every two to three years.

Commissioner Walker asked the applicant if they plan to remove trees on the eastern portion of the lot for additional storage. Mr. Teeter stated that they do not plan on removing any trees.

**MOTION:** Commissioner Prothro made a motion, seconded by Vice Chair Whitfield to close the public hearing. The vote was cast 4 for, 0 against. [Murphy and Casey absent]

Chair Aguilar stated that business owners and developers should be aware of local ordinances and codes. Chair Aguilar then stated that the eastern portion of the lot may be storage, but she does not recommend the southern portion of the lot for storage.

Commissioner Prothro stated that he does not think the original ordinance should be changed.

Director Coleman stated that the subject property is in the Suburban Mixed-Use designation of the Future Land Use Plan. She stated that the current zoning and future land use designations should be taken into consideration when making decisions.

Vice Chair Whitfield expressed concern about making exceptions and stated that they should abide by the rules of the Planned Development. She stated that if the overflow is only needed every two to three years there is no demand or need for the storage.

**MOTION:** Commissioner Prothro made a motion, seconded by Commissioner Murphy to accept staff's recommendation to approve the request for the building expansion and deny the increased PD boundary. The vote was cast 4 for, 0 against. [Murphy and Casey absent]

4. **PS20-15 Conduct a public hearing and consider a residential replat for Placid Meadows Addition. The properties are addressed as 1126, 1116, and 1106 Bayport Drive and are described as being 3.17 acres of land situated in the Peter Hall Survey, Abstract No. 634, City of Lancaster, Dallas County, Texas.**

Planner Chetuya gave the staff report and stated that this is a request for approval of a residential replat to shift the lot lines of Lots 1, 2 and 3 Block E of the Placid Meadows Addition. Lot 1A will be increased, Lot 2A will be decreased and Lot 3A will be decreased. The applicant will be dedicating 27.5 feet of right of way along the east side of Sunny Meadow Road. Staff recommends approval of the replat as presented as it is in conformance with the Subdivision Ordinance.

Vice Chair Whitfield asked if the replat is only shifting lot lines. Planner Chetuya confirmed that the request is to shift lot lines and dedicate right of way.

Chair Aguilar opened the public hearing.

Ariana Paz, PO Box 411486, Dallas, Texas, stated that the intention for the replat is to build 3 homes that are valued between \$325,000 and \$400,000.

**MOTION:** Commissioner Prothro made a motion, seconded by Commissioner Walker to close the public hearing. The vote was cast 4 for, 0 against. [Murphy and Casey absent]

**MOTION:** Commissioner Prothro made a motion, seconded by Commissioner Walker to approve item 4. The vote was cast 4 for, 0 against. [Murphy and Casey absent]

5. **M19-01 Conduct a public hearing and consider a recommendation to amend and updated Chapter 8, Community Character and Design; 2006 Streetscape Master Plan of the 2016 Comprehensive Plan.**

Senior Planner Munyaradzi gave the staff report and stated that Article 14.100, Section 14.209 subsection (b) of the Lancaster Development Code requires the Planning and Zoning Commission to advise the Council and make recommendations concerning the adoption of or amendments to the City's Comprehensive Plan. In 2018–2019 the City Council Strategic Planning Session identified the objective to update the Streetscape Master Plan. The current Streetscape Master Plan was adopted in 2006 and industry standards suggest that Master Plans be updated a minimum of every ten years. The adoption of the 2016 Comprehensive Plan



Update prioritized the need to update the Streetscape Master Plan to ensure alignment. In August 2018, Halff Associates was selected to update the current Streetscape Master Plan. Halff Associates will make a presentation to the Commission regarding the Streetscape Master Plan Update for the Commission's recommendation and consideration to the City Council. Staff recommends approval of amendments and updates to the 2006 Streetscape Master Plan.

Chair Aguilar opened the public hearing.

Lenny Hughes, 1201 N Bowser Road, Richardson, Texas, and Kendall Howard, 1201 N Bowser Road, Richardson, Texas, gave a presentation on the Streetscape Master Plan.

Chair Aguilar asked how many surveys were sent to citizens. Ms. Howard stated that the survey was online and open to anyone. Senior Planner Munyaradzi stated that a consultant arranged a survey for Parks, Open Space and Recreation so all the Master Plan update questions were together.

Chair Aguilar clarified that the recommendations in the Streetscape Master Plan were not only based on the survey responses, but also City Council and other City ideas. Senior Planner Munyaradzi confirmed.

**MOTION:** Commissioner Prothro made a motion, seconded by Vice Chair Whitfield to close the public hearing. The vote was cast 4 for, 0 against. [Murphy and Casey absent]

**MOTION:** Commissioner Prothro made a motion, seconded by Vice Chair Whitfield to approve item 5. The vote was cast 4 for, 0 against. [Murphy and Casey absent]

6. **M20-06 Conduct a public hearing and consider a recommendation to amend and update Chapter 4, Transportation; Master Thoroughfare Plan of the 2016 Comprehensive Plan.**

Senior Planner Munyaradzi gave the staff report and stated that Article 14.100, Section 14.209 subsection (b) of the Lancaster Development Code requires the Planning and Zoning Commission to advise the Council and make recommendations concerning the adoption of or amendments to the City's Comprehensive Plan, Thoroughfare Plan, and Open Space Plan and implementation thereof. In 2018–2019 the City Council Strategic Planning Session identified the objective to update the Master Thoroughfare Plan. The current Master Thoroughfare Plan was adopted in 2006. Industry standards suggest that Master Plans be updated at a minimum of every 10 years. The adoption of the 2016 Comprehensive Plan Update prioritized the need to update the Master Thoroughfare Plan to ensure alignment. In August of 2016, Freese and Nichols were selected to update the current Master Thoroughfare Plan. Freese and Nichols will make a presentation to the Planning and Zoning Commission regarding the Master Thoroughfare Plan update for the Commission's consideration and recommendation to the City Council. Staff recommends approval of amendments and updates to the Master Thoroughfare Plan.

Chair Aguilar opened the public hearing.

Brian Crooks, 2711 N Haskell, Dallas, Texas, and Edmund Haas, 2711 N Haskell, Dallas, Texas, gave a presentation on the Master Thoroughfare Plan.

Chair Aguilar asked if the Bear Creek connection was included on the updated Master Thoroughfare Plan. Mr. Haas confirmed.

**MOTION:** Commissioner Prothro made a motion, seconded by Vice Chair Whitfield to close the public hearing. The vote was cast 4 for, 0 against. [Murphy and Casey absent]

**MOTION:** Commissioner Prothro made a motion, seconded by Commissioner Walker to approve item 6. The vote was cast 4 for, 0 against. [Murphy and Casey absent]

### **ACTION**

7. **HLPC20-07 Discuss and consider a Certificate of Appropriateness (COA) for the installation of an outdoor storage structure on the property addressed as 543 Wilson Street, Lancaster, Dallas County, Texas.**

Planner Chetuya gave the staff report and stated that the applicant is requesting to install a 10 foot by 10 foot outdoor storage structure composed of smart wood siding on the southwest corner of the subject site. The top two feet of the structure will be visible from Wilson Street. According to the Lancaster Historic Residential Design Regulations states that new outbuildings should be compatible in scale, proportion, spacing, texture, setbacks, height, materials, color and detail to adjacent or nearby buildings.

On July 28<sup>th</sup>, 2020, the Historic Landmark Preservation Committee recommended approval of the request as presented. Staff concurs with the HLPC's recommendation.

Chair Aguilar asked if the building meets setbacks. Planner Chetuya confirmed.

**MOTION:** Commissioner Prothro made a motion, seconded by Commissioner Walker to approve item 7. The vote was cast 4 for, 0 against. [Murphy and Casey absent]

**MOTION:** Commissioner Prothro made a motion, seconded by Vice Chair Walker to adjourn. The vote was cast 4 for, 0 against. [Murphy and Casey absent]

The meeting was adjourned at 9:07 p.m.

**ATTEST:**

**APPROVED:**

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Bester Munyaradzi, Senior Planner

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Isabel Aguilar, Chair



# CITY OF LANCASTER

SHINING STAR OF TEXAS

Planning Department

Date: 10/2/2020

## NOTICE OF PUBLIC HEARING

TO: Property Owner

RE: Case No. Z20-07: Conduct a public hearing and consider a revised Planned Development Site Plan on the property addressed as 800 North I-35E. The property is described as Lot 2, Block 1, Oak Creek Homes Addition situated in the Valentine Wampler Survey, Abstract No. 1546, City of Lancaster, Dallas County, Texas.

LOCATION: The property is located approximately 560 feet south of Gateway Drive and east of Interstate 35E Highway. It is addressed as 800 North I-35E.

EXPLANATION OF REQUEST: The applicant is requesting to revise the site plan for Planned Development - Light Industrial (PD-LI) Ordinance No. 26-88.

COMMENTS: ☒ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:  
☐ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

SIGNATURE:

*Dwaine Teeter*

ADDRESS:

*2450 S. Shore Blvd, Ste 300, League City, TX*

The City Council will hold a public hearing and take action on the above case at their meeting on **Monday, October 26, 2020 at 7:00 pm**. The meeting will be conducted online meeting and details will be provided on the agenda which will be posted online at <http://www.lancaster-tx.com/1143/Agendas-and-Minutes> at least 72 hours prior to the meeting's date.

Your written comments are being solicited in the above case. Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Planning Division by 5 p.m. on Tuesday, October 20, 2020 for your comments to be recorded for the City Council meeting. Responses received after that time will be forwarded to the Council at the public hearing. Additional information is available in the Department of Planning at 211 N. Henry Street. The public is also invited to express opinions in writing to the Planning and Zoning Commission and City Council, P.O. Box 940, Lancaster, Texas 75146. Additional information is available in the Department of Planning at 211 N. Henry Street.

If you have any questions concerning this request, please contact the Planning Division  
Phone 972-218-1315  
FAX 972-218-3616

RETURN BY FAX OR MAIL  
City of Lancaster  
Planning Division  
211 N Henry St  
Lancaster, TX 75146-0940

11 Notices were mailed on 10/2/2020

P.O. Box 940 | Lancaster | Texas | 75146 | 972.218.1300 | [www.lancaster-tx.com](http://www.lancaster-tx.com)





# CITY OF LANCASTER

## SHINING STAR OF TEXAS

Planning Department

Date: 10/2/2020

### NOTICE OF PUBLIC HEARING

**TO:** Property Owner

**RE:** **Case No. Z20-07:** Conduct a public hearing and consider a revised Planned Development Site Plan on the property addressed as 800 North I-35E. The property is described as Lot 2, Block 1, Oak Creek Homes Addition situated in the Valentine Wampler Survey, Abstract No. 1546, City of Lancaster, Dallas County, Texas.

**LOCATION:** The property is located approximately 560 feet south of Gateway Drive and east of Interstate 35E Highway. It is addressed as 800 North I-35E.

**EXPLANATION OF REQUEST:** The applicant is requesting to revise the site plan for Planned Development – Light Industrial (PD-LI) Ordinance No. 26-88.

**COMMENTS:** ☒ I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:  
☐ I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

**SIGNATURE:**

**ADDRESS:**

*Ronald A. G. Siegel*  
 920 N I35E

The City Council will hold a public hearing and take action on the above case at their meeting on **Monday, October 26, 2020 at 7:00 pm**. The meeting will be conducted online meeting and details will be provided on the agenda which will be posted online at <http://www.lancaster-tx.com/1143/Agendas-and-Minutes> at least 72 hours prior to the meeting's date.

Your written comments are being solicited in the above case. Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Planning Division by 5 p.m. on Tuesday, **October 20, 2020** for your comments to be recorded for the City Council meeting. Responses received after that time will be forwarded to the Council at the public hearing. Additional information is available in the Department of Planning at 211 N. Henry Street. The public is also invited to express opinions in writing to the Planning and Zoning Commission and City Council, P.O. Box 940, Lancaster, Texas 75146. Additional information is available in the Department of Planning at 211 N. Henry Street.

If you have any questions concerning this request, please contact the Planning Division  
 Phone 972-218-1315  
 FAX 972-218-3616

11 Notices were mailed on 10/2/2020

**RETURN BY FAX OR MAIL**  
 City of Lancaster  
 Planning Division  
 211 N Henry St  
 Lancaster, TX 75146-0940

P.O. Box 940 | Lancaster | Texas | 75146 | 972.218.1300 | [www.lancaster-tx.com](http://www.lancaster-tx.com)



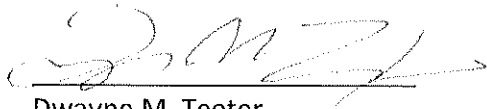
October 20, 2020

RE: Case No. Z20-07

Address: Lot 2, Block 1 Oak Creek Homes Addition situated in the Valentine Wampler Survey, Abstract No. 1546, City of Lancaster, Dallas County, Texas

After discussions with Vicki Coleman and David Ritter, we are asking to separate the two pending zoning issues: 1) the use of portions of the property for storage and 2) the zoning change allowing for the addition to our factory. We have been told by Mr. Ritter that the City has agreed to address the latter issue (factory expansion) as planned in the October 26<sup>th</sup> City Council Meeting and postpone the discussion of the storage issue until a compromise that benefits all parties can be reached.

I plan to be on the Zoom call for the City Council meeting to answer any questions relating to the zoning for our factory expansion.

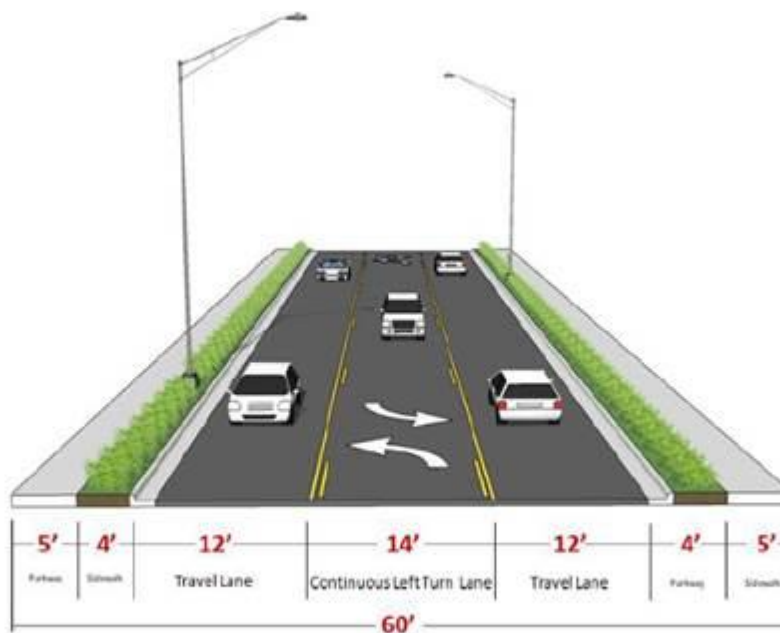
A handwritten signature in black ink, appearing to read 'D. M. Teeter', written over a horizontal line.

Dwayne M. Teeter  
President and COO  
Oak Creek Homes

## Master Thoroughfare Plan – Major Collector

Roadway Class	Lanes	Area Type	Min ROW (feet)	Travel Lane Pavement (feet)	Median (feet) (Flush / Raised)	Shoulders (feet) (Inside / Outside)	Sidewalk (feet)	Parking
Major Arterial (Type A)	6	Urban	120'	2 @ 36'	14'/18'	-	6'-8'	No
	5 (New)	Urban	110'	62'	CLT*	-	6'-8'	No
Major Arterial (Type B)	4	Urban	100'	2 @ 24'	14'/16'	-	6'-8'	No
Minor Arterial (Type C)	4	Urban	100'	2 @ 22'	14'/16'	-	5'-6'	No
	4	Rural	100'	48'	-	4-8'	Optional	No
Major Collectors (Type D1)	4 (New)	Urban	80'	44'	-	-	5'-6'	No
	4 (New)	Rural	80'	44'	-	4'	Optional	No
	3	Urban	60'	38'	CLT*	-	5'-6'	No
Minor Collectors (Type D2)	2 (New)	Urban	60'	30'	-	-	5'	Optional
	2	Rural	60'	24'	-	4'	Optional	Optional
Local Roads (Type E)	2	Urban	60'	28'	-	-	5'	Optional
	2	Rural	60'	28'	-	2'	Optional	Optional

\*Continuous left turn lanes.



Major Urban Collector (Type D1) – 3 Lane, 60' ROW, 12' Lanes

## CITY OF LANCASTER CITY COUNCIL

### City Council Regular Meeting

5.

**Meeting Date:** 10/26/2020

**Policy Statement:** This request supports the City Council 2020-2021 Policy Agenda

**Goal(s):** Professional and Committed City Workforce

**Submitted by:** Sorangel O. Arenas, City Secretary

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### **Agenda Caption:**

The City Council shall convene into closed executive session pursuant to:

- a. Section § 551.074 (a)(1) of the Texas Government Code to deliberate the appointment, employment, evaluation duties or dismissal of a public officer, to wit: the City Manager.
- b. Section § 551.074 (a)(1) of the Texas Government Code to deliberate the appointment, employment, evaluation duties or dismissal of a public officer, to wit: the Municipal Judge.

## LANCASTER CITY COUNCIL

### City Council Regular Meeting

6.

**Meeting Date:** 10/26/2020

**Policy Statement:** This request supports the City Council 2020-2021 Policy Agenda

**Goal(s):** Professional and Committed City Workforce

**Submitted by:** Sorangel O. Arenas, City Secretary

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#### **Agenda Caption:**

Reconvene into open session. Consider and take appropriate action(s), if any, on closed/executive session matters.

#### **Background:**

This agenda item allows City Council to take action necessary, if any, on item(s) discussed in Executive Session.